
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Establish Minimum Standards to Control the Spread of COVID-19
- Covid-19 Masking Program
- Telehealth Expansion

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 May 1, 2022
- the 45-day period expires on April 16, 2022
- the 30-day period expires on April 1, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
ACTING SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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

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

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

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



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

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

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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

Rule Making Activities

Audit and Control, Department of

1 / Electronic Contact (P)

Children and Family Services, Office of

1 / Establish Minimum Standards to Control the Spread of COVID-19 (E)

4 / Establish Minimum Standards to Control the Spread of COVID-19 at Residential Congregate Programs (E)

Civil Service, Department of

6 / Supplemental Military Leave Benefits (P)

Education Department

7 / Execution by Registered Professional Nurses of Non-Patient Specific Orders to Administer COVID-19 Immunizations (A)

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

8 / Use of Therapeutic Pharmaceutical Agents by Certified Optometrists (P)

9 / Content Core Requirements for Candidates Seeking an Additional Science Certificate (P)

11 / Literacy (All Grades) Certificate (P)

14 / Board of Education Cooperative Services Regional Technology Plans (P)

Financial Services, Department of

16 / Fees (Maximum Fee That May be Charged by Licensed Check Cashers for Cashing Checks for Retail Consumers) (E)

19 / Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure (P)

Mental Health, Office of

20 / Covid-19 Masking Program (E)

22 / Telehealth Expansion (E)

Motor Vehicles, Department of

24 / Special Requirements for For-Hire Motor Carriers (A)

24 / Signs for School Bus Photo Violation Monitoring System (A)

24 / Passenger and Commercial Registrations (P)

People with Developmental Disabilities, Office for

26 / Administrative Compensation (P)

Public Service Commission

26 / Assessment of the Need of the Project for the Provision of Safe and Adequate Service at Just and Reasonable Rates (P)

27 / Green Gas Products (P)

28 / Establishing an Alternative Recovery Mechanism for Certain Types of Fees (P)

28 / Green Gas Products (P)

28 / Establishing an Alternative Recovery Mechanism for Certain Types of Fees (P)

29 / Proposals to Implement an Electric Vehicle Make Ready Surcharge for Street Lighting Customers (P)

Workers' Compensation Board

29 / Medical Treatment Guidelines (A)

31 / Intraoperative Neurophysiological Monitoring (P)

32 / Telehealth (RP)

Hearings Scheduled for Proposed Rule Makings / 34

Action Pending Index / 35

Securities Offerings

85 / State Notices

Advertisements for Bidders/Contractors

87 / Sealed Bids

Miscellaneous Notices/Hearings

91 / Notice of Abandoned Property Received by the State Comptroller

91 / Public Notice

RULE MAKING ACTIVITIES

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

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

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

Department of Audit and Control

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Electronic Contact

I.D. No. AAC-09-22-00003-P

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

Proposed Action: This is a consensus rule making to add Part 125 to Title 2 NYCRR.

Statutory authority: Abandoned Property Law, section 1414

Subject: Electronic Contact.

Purpose: To provide that forms of electronic contact satisfy the written communication requirements under Abandoned Property Law.

Text of proposed rule: A new section 125 is added to read as follows:

Section 125. 1(a) Electronic Contact. For the purposes of satisfying the dormancy requirements in the Abandoned Property Law, the following methods of electronic contact and electronic account activity shall constitute "written communication", "writing", and "written evidence", as used in the Abandoned Property Law:

(1) the receipt of electronic mail (email) communication from the entitled account holder of the property that matches the registered email address on record; or

(2) evidence that the entitled account holder has accessed their personal account through the electronic method made available by the holder of the property, including but not limited to, a website, mobile application, or any other reasonable electronic method.

(b) Evidence of electronic contact or electronic account activity within

the relevant dormancy period in the Abandoned Property Law can be cited to prevent the property from being deemed abandoned.

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

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

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

Consensus Rule Making Determination

This is a consensus rulemaking proposed to update and allow electronic communications from an apparent owner of amounts or securities to constitute "written contact" for purposes of tolling the dormancy period under the Abandoned Property Law. This regulation recognizes that individuals frequently access their financial accounts through electronic means and will establish the form of electronic contact that will be considered sufficient customer contact to prevent property from becoming abandoned. It has been determined that no person is likely to object to the adoption of the rule as written.

Office of Children and Family Services

EMERGENCY RULE MAKING

Establish Minimum Standards to Control the Spread of COVID-19

I.D. No. CFS-52-21-00002-E

Filing No. 96

Filing Date: 2022-02-09

Effective Date: 2022-02-09

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

Action taken: Amendment of Parts 414, 415, 416, 417, Subparts 418-1 and 418-2 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20, 34, 390 and 410

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

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

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. The Centers for Disease Control and Prevention (CDC) has noted continued high community transmission of the Omicron COVID-19 variant, resulting in: 1) high caseloads

of COVID-19 (7-day average of over 21,000 per day, as of January 26, higher than any point before this winter); 2) burdensome levels of hospitalizations (7-day average of over 1,100 admissions and 10,000 people currently hospitalized with COVID-19); and 3) a high number of COVID-19-related deaths (7-day average of over 150, rendering COVID-19 one of the leading causes of death in New York). These levels remain very high, despite some recent declines; thus the winter surge driven by the Omicron variant continues to be underway.

Properly wearing an appropriate mask is an effective measure to protect against the transmission of the COVID-19 virus, including its variants. Since the Omicron-related surge appears to have peaked in January, the statewide number of COVID cases has remained high and the number of hospitalizations continues to stress the healthcare system. While the percentage of New Yorkers who are fully vaccinated and boosted continues to increase, coverage levels alone are not adequate to curb the spread of the Omicron variant, and substantially reduce the burden on hospitals. The above findings demonstrate the necessity to extend the implementation of further prevention strategies that include face coverings/masks in all indoor public places including licensed, registered and enrolled legally-exempt group child care programs. The extension of this requirement should help slow transmission and reduce the consequent increase in hospitalizations. COVID-19 spreads through respiratory droplets, and several studies have shown that appropriate face coverings/masks reduce the spray of droplets when worn correctly, fully covering one's nose and mouth. Additionally, as noted by the CDC, multiple "real-world" studies have shown face coverings substantially decrease SARS-CoV-2 transmission. See for <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html> (last updated December 6, 2021) for more information.

The CDC recommends universal indoor masking by all students (ages 2 years and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status. See <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html> (last updated on January 13, 2022) for more information. This includes masking in early care education (ECE) and child care programs as explained below:

Most ECE programs serve children in an age group that is not yet eligible for vaccination. Therefore, this guidance emphasizes using multiple COVID-19 prevention strategies together to protect children and adults in ECE programs. CDC recommends universal indoor masking in ECE programs for those ages 2 years and older*, regardless of vaccination status. See <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/child-care-guidance.html> (last updated on January 28, 2022) for more information.

A recent CDC science brief on the transmission of the coronavirus in children in early child education and child care settings provides evidence that mask wearing is essential to preventing transmission of the coronavirus. See https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission_k_12_schools.html (last updated on December 17, 2021) for more information.

Finally, the American Academy of Pediatrics:

[S]trongly recommends that anyone over the age of 2, regardless of vaccination status, wear a well-fitting face mask when in public." ... Face masks can be safely worn by all children 2 years of age and older, including the vast majority of children with underlying health conditions, with rare exception. Children 2 years of age and older have demonstrated their ability to wear a face mask. In addition to protecting the child, the use of face masks significantly reduces the spread of SARS-CoV-2 and other respiratory infections within schools and other community settings. Home use of face masks also may be particularly valuable in households that include members who are in quarantine or isolation, as well as medically fragile, immunocompromised, or at-risk adults and children. See <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/cloth-face-coverings/> (last updated on January 6, 2022) for more information.

Subject: Establish minimum standards to control the spread of COVID-19.

Purpose: Establish minimum standards to control the spread of COVID-19.

Text of emergency rule: Paragraph (19) is added to subdivision (i) of section 414.11 of Title 18 NYCRR to read as follows:

(19) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(i) *Any individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(ii) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(iii) *The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.*

Subparagraph (vi) is added to paragraph (8) of subdivision (b) of section 415.13 of Title 18 NYCRR to read as follows:

(vi) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19 for legally exempt group programs.*

(a) *Any individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(b) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(c) *The violation of these regulations shall be a basis to terminate or deny the enrollment.*

Paragraph (33) is added to subdivision (i) of section 416.11 of Title 18 NYCRR is amended to read as follows:

(33) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(i) *Any individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(ii) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(iii) *The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.*

Paragraph (33) is added to subdivision (i) of section 417.11 of Title 18 NYCRR is amended to read as follows:

(33) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(i) *Any individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(ii) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(iii) *The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.*

Paragraph (20) is added to subdivision (i) of section 418-1.11 of Title 18 NYCRR is amended to read as follows:

(20) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(i) *Any individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(ii) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(iii) *The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.*

Paragraph (20) is added to subdivision (i) of section 418-2.11 of Title 18 NYCRR is amended to read as follows:

(20) *Face coverings to prevent the spread of the novel coronavirus identified as SARS-CoV-2 or COVID-19.*

(i) *Any individual two years of age or older, who is able to medically tolerate a face covering, must wear a face covering when indoors, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.*

(ii) *Any individual who claims that they are unable to medically tolerate a face covering must provide medical documentation of such to the Office upon demand.*

(iii) *The violation of these regulations shall be a basis to deny, limit, suspend, revoke, or terminate a license or registration, pursuant to Social Services Law § 390(10) and applicable regulations.*

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. CFS-52-21-00002-EP, Issue of December 29, 2021. The emergency rule will expire April 9, 2022.

Text of rule and any required statements and analyses may be obtained from: Frank J. Nuara, Associate Attorney, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (914) 589-3096, email: regcomments@ocfs.ny.gov

Regulatory Impact Statement**(1) Statutory Authority:**

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Commissioner of the New York State Office of Children and Family Services (OCFS) to establish rules, regulations and policies to carry out OCFS' powers and duties under the SSL.

Section 390(2-a) of the SSL requires OCFS establish regulations for licensed and registered child care programs that include minimum standards for health an infection control at such programs.

Section 410-x(3) of the SSL requires OCFS establish regulations for enrolled legally-exempt group child care programs that include minimum health and safety standards at such programs.

(2) Legislative Objectives:

The legislative objective of SSL 390(2-a) and 410-x(3) authorizes OCFS to establish minimum standards to control communicable diseases at licensed, registered and enrolled legally-exempt group child care programs.

(3) Needs and Benefits:

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

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. The Centers for Disease Control and Prevention (CDC) has noted continued high community transmission of the Omicron COVID-19 variant, resulting in: 1) high caseloads of COVID-19 (7-day average of over 21,000 per day, as of January 26, higher than any point before this winter); 2) burdensome levels of hospitalizations (7-day average of over 1,100 admissions and 10,000 people currently hospitalized with COVID-19); and 3) a high number of COVID-19-related deaths (7-day average of over 150, rendering COVID-19 one of the leading causes of death in New York). These levels remain very high, despite some recent declines; thus the winter surge driven by the Omicron variant continues to be underway.

Properly wearing an appropriate mask is an effective measure to protect against the transmission of the COVID-19 virus, including its variants. Since the Omicron-related surge appears to have peaked in January, the statewide number of COVID cases has remained high and the number of hospitalizations continues to stress the healthcare system. While the percentage of New Yorkers who are fully vaccinated and boosted continues to increase, coverage levels alone are not adequate to curb the spread of the Omicron variant, and substantially reduce the burden on hospitals. The above findings demonstrate the necessity to extend the implementation of further prevention strategies that include face coverings/masks in all indoor public places including licensed, registered and enrolled legally-exempt group child care programs. The extension of this requirement should help slow transmission and reduce the consequent increase in hospitalizations. COVID-19 spreads through respiratory droplets, and several studies have shown that appropriate face coverings/masks reduce the spray of droplets when worn correctly, fully covering one's nose and mouth. Additionally, as noted by the CDC, multiple "real-world" studies have shown face coverings substantially decrease SARS-CoV-2 transmission. See for <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html> (last updated December 6, 2021) for more information.

The CDC recommends universal indoor masking by all students (ages 2 years and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status. See <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html> (last updated on January 13, 2022) for more information. This includes masking in early care education (ECE) and child care programs as explained below:

Most ECE programs serve children in an age group that is not yet eligible for vaccination. Therefore, this guidance emphasizes using multiple COVID-19 prevention strategies together to protect children and adults in ECE programs. CDC recommends universal indoor masking in ECE programs for those ages 2 years and older*, regardless of vaccination status. See <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/child-care-guidance.html> (last updated on January 28, 2022) for more information.

A recent CDC science brief on the transmission of the coronavirus in children in early child education and child care settings provides evidence that mask wearing is essential to preventing transmission of the coronavirus. See <https://www.cdc.gov/coronavirus/2019-ncov/science/>

[science-briefs/transmission_k_12_schools.html](https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/transmission_k_12_schools.html) (last updated on December 17, 2021) for more information.

Finally, the American Academy of Pediatrics:

[S]trongly recommends that anyone over the age of 2, regardless of vaccination status, wear a well-fitting face mask when in public." ... Face masks can be safely worn by all children 2 years of age and older, including the vast majority of children with underlying health conditions, with rare exception. Children 2 years of age and older have demonstrated their ability to wear a face mask. In addition to protecting the child, the use of face masks significantly reduces the spread of SARS-CoV-2 and other respiratory infections within schools and other community settings. Home use of face masks also may be particularly valuable in households that include members who are in quarantine or isolation, as well as medically fragile, immunocompromised, or at-risk adults and children. See <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/cloth-face-coverings/> (last updated on January 6, 2022) for more information.

(4) Costs:

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 state since March of 2020. Since 2020, OCFS has made funding available to child care programs to purchase personal protective equipment, including face coverings. Accordingly, this regulation will not have a significant cost impact on programs.

(5) Local Government Mandates:

No new mandates are imposed on local governments by this rule.

(6) Paperwork:

There is no new required paperwork.

(7) Duplication:

This rule does not duplicate state or federal requirements.

(8) Alternatives:

There are no alternatives. Without this rule, OCFS would not be meeting its statutory obligation to promulgate regulation that address the minimum health and safety standards for infection control.

(9) Federal Standards:

This rule is consistent with applicable federal requirements.

(10) Compliance Schedule:

Compliance with this rule will begin immediately.

Regulatory Flexibility Analysis**(1) Effect of Rule:**

There are approximately 15,106 licensed/registered child care programs and 276 enrolled legally-exempt group child care programs. 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 state since March of 2020. There is no anticipated effect on local governments.

(2) Compliance Requirements:

These regulations require face coverings for all children, staff and visitors in child care programs to protect against the highly contagious virus and increasing COVID-19 infections. The requirement will apply to large and small child care centers, home-based group family and family child care programs, after-school child care programs and legally exempt group programs. It will apply only to those who are medically able to tolerate wearing a mask. Above listed child care programs will need to return to face covering compliance as previously in place under New York State executive orders and currently recommended by Federal Centers for Disease Control guidance.

(3) Professional Services:

Child care programs and local governments will not be required to use or employ any additional professional services as a result of this rule.

(4) Compliance Costs:

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 state since March of 2020. Since 2020, OCFS has made funding available to child care programs to purchase personal protective equipment, including face coverings. Accordingly, this regulation will not have a significant cost impact on programs.

(5) Economic and Technological Feasibility:

There are no new requirements that will impact economic and/or technological feasibility.

(6) 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 state since March of 2020. Therefore, OCFS does not anticipate an adverse impact.

(7) Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted. OCFS will provide guidance, technical

assistance, and outreach to child care programs that are impacted by this rule. OCFS will send notice of this rule via email to all such child care programs and post this information on the OCFS child care website. This will include the contact information of someone in OCFS to answer questions on this emergency rule.

Rural Area Flexibility Analysis

(1) Types and Estimated Numbers of Rural Areas:

This rule will apply to all licensed/registered and enrolled legally-exempt group child care programs in all areas of the state, including the 44 rural areas.

(2) Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services:

There is no new paperwork.

(3) Costs:

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 state since March of 2020. Since 2020, OCFS has made funding available to child care programs to purchase personal protective equipment, including face coverings. Accordingly, this regulation will not have a significant cost impact on programs.

(4) 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 state since March of 2020. Therefore, OCFS does not anticipate an adverse impact.

(5) Rural Area Participation:

Due to the emergent nature of COVID-19, rural areas were not consulted. OCFS will provide guidance, technical assistance, and outreach to those that are impacted by this rule. OCFS will send notice of this rule via email to impacted child care programs and post this information on the OCFS child care website. This will include the contact information of someone in OCFS to answer questions on this rule.

Job Impact Statement

1. Nature of Impact:

The New York State Office of Children and Family Services (OCFS) does not anticipate that this rule will have a negative impact on employment opportunities at child care programs in any region of New York State. This regulatory change is necessary to prevent further closure of the child care programs.

2. Categories and Numbers Affected:

It is estimated that there are 15,106 licensed/registered child care programs and 276 enrolled legally-exempt group child care programs.

3. Regions of Adverse Impact:

This rule applies to licensed/registered and enrolled legally-exempt group child care programs. There are no regions where this rule will have a disproportionate adverse impact on employment opportunities.

4. Minimizing Adverse Impact:

OCFS does not anticipate an adverse impact.

Assessment of Public Comment

Following the adoption of the emergency regulation on use of masks in child care programs on September 16, 2021, the Office of Children and Family Services (OCFS) received an abundance of feedback. The majority of this feedback came from parents. While there was some support for the face covering mandate; the overwhelming majority of the remarks voiced opposition. These remarks were related to the concept of masking children and providers, but not specifically to this rule.

Following the publication of the Emergency Adoption and Notice of Proposed Rule Making in the State Register on December 29, 2021, the Office of Children and Family Services (OCFS) received 15 comments, mostly from parents, regarding the face covering regulation for child care programs. OCFS reviewed the comments and after careful consideration concludes no changes to the proposed regulations will be made at this time. The public comment remains open through February 28, 2022.

COMMENT: The Office received comments alleging the mask mandate in child care is unconstitutional.

OFFICE RESPONSE: The OCFS mandate was initially implemented by emergency regulation on September 16, 2021 and readopted on December 13, 2021 in accordance with the State Administrative Procedure Act. Social Services Law § 390(2-a) and 410-x(3) mandate OCFS establish minimum standards for health and safety, including infection control, at child care programs. Pursuant to OCFS's authority and obligation, OCFS adopted these regulations to maintain health and safety at these programs consistent with guidance issued by the federal Centers for Disease Control and Prevention (CDC) and the NYS Department of Health. OCFS reviewed the comments and after careful consideration concludes no changes to the proposed regulations will be made at this time. The public comment period remains open through February 28, 2022.

COMMENT: The Office received comments requesting that the mask mandate for children in child care programs be repealed. The commenters cited various reasons to support their request, including: the absence of a state of emergency, the reduction in Delta variant cases, that COVID-19 has reached endemic status, that COVID-19 poses minimal risk to children, that children are experiencing developmental delays, that children do not know how to properly wear a mask, that cloth masks do not work, and that there was no mask mandate in child care programs at the beginning of the pandemic. Additionally, a few commenters requested data supporting the mandate.

OFFICE RESPONSE: Executive Order 11 declared a disaster emergency in the State of New York on November 26, 2021. This emergency has been extended by Executive Order 11.1 and 11.2 through February 15, 2022 and continues to be evaluated. While the Delta variant is no longer the predominant COVID-19 variant, new COVID-19 variants, such as the Omicron variant continue to emerge. The Omicron variant spreads more easily than the original virus that causes COVID-19 and the Delta variant. Additionally, the mask requirements are in line with guidelines issued by the CDC which recommend universal indoor masking in child care programs for everyone 2 years of age and older. Additionally, the American Academy of Pediatrics states that face masks can be safely worn by all children 2 years of age and older, including the vast majority of children with underlying health conditions, with rare exception. OCFS reviewed the comments and after careful consideration concludes no changes to the proposed regulations will be made at this time. The public comment period remains open through February 28, 2022.

EMERGENCY RULE MAKING

Establish Minimum Standards to Control the Spread of COVID-19 at Residential Congregate Programs

I.D. No. CFS-52-21-00003-E

Filing No. 95

Filing Date: 2022-02-09

Effective Date: 2022-02-09

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

Action taken: Addition of Part 338 to Title 18 NYCRR.

Statutory authority: Executive Law, sections 500(2), 501(16); Social Services Law, sections 20(3)(d), 34(3)(c) and 462(1)(a)

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

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

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. The Centers for Disease Control and Prevention (CDC) has noted continued high community transmission of the Omicron COVID-19 variant, resulting in: 1) high caseloads of COVID-19 (7-day average of over 21,000 per day, as of January 26, higher than any point before this winter); 2) burdensome levels of hospitalizations (7-day average of over 1,100 admissions and 10,000 people currently hospitalized with COVID-19); and 3) a high number of COVID-19-related deaths (7-day average of over 150, rendering COVID-19 one of the leading causes of death in New York). These levels remain very high, despite some recent declines; thus the winter surge driven by the Omicron variant continues to be underway.

Properly wearing an appropriate mask is an effective measure to protect against the transmission of the COVID-19 virus, including its variants. Since the Omicron-related surge appears to have peaked in January, the statewide number of COVID cases has remained high and the number of hospitalizations continues to stress the healthcare system. While the percentage of New Yorkers who are fully vaccinated and boosted continues to increase, coverage levels alone are not adequate to curb the spread of the Omicron variant, and substantially reduce the burden on hospitals. The

above findings demonstrate the necessity to extend the implementation of further prevention strategies that include face coverings/masks in all indoor public places including congregate care programs. The extension of this requirement should help slow transmission and reduce the consequent increase in hospitalizations. COVID-19 spreads through respiratory droplets, and several studies have shown that appropriate face coverings/masks reduce the spray of droplets when worn correctly, fully covering one's nose and mouth. Additionally, as noted by the CDC, multiple "real-world" studies have shown face coverings substantially decrease SARS-CoV-2 transmission. See for <https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/masking-science-sars-cov2.html> (last updated December 6, 2021) for more information.

The CDC recommends universal indoor masking by all students (ages 2 years and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status. See <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html> (last updated on January 13, 2022) for more information. The CDC has issued guidance warning of the higher risks posed to persons residing in congregate settings. See <https://www.cdc.gov/coronavirus/2019-ncov/community/shared-congregate-house/guidance-shared-congregate-housing.html> for more information. The CDC has also provided guidance for management of the coronavirus in detention facilities. They explain that because many individuals infected with SARS-CoV-2 do not display symptoms, the virus could be present in facilities before infections are identified. Therefore, masks are an important element of prevention. See <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html> (last updated on June 9, 2021) for more information.

Finally, the American Academy of Pediatrics:

[S]trongly recommends that anyone over the age of 2, regardless of vaccination status, wear a well-fitting face mask when in public." ... Face masks can be safely worn by all children 2 years of age and older, including the vast majority of children with underlying health conditions, with rare exception. Children 2 years of age and older have demonstrated their ability to wear a face mask. In addition to protecting the child, the use of face masks significantly reduces the spread of SARS-CoV-2 and other respiratory infections within schools and other community settings. Home use of face masks also may be particularly valuable in households that include members who are in quarantine or isolation, as well as medically fragile, immunocompromised, or at-risk adults and children. See <https://www.aap.org/en/pages/2019-novel-coronavirus-covid-19-infections/clinical-guidance/cloth-face-coverings/> (last updated on January 6, 2022) for more information.

Subject: Establish minimum standards to control the spread of COVID-19 at residential congregate programs.

Purpose: Establish minimum standards to control the spread of COVID-19 at residential congregate programs.

Text of emergency rule: Part 338 of Title 18 NYCRR is added to read as follows:

Part 338. Congregate Care COVID-19 Prevention and Protection Program

338.1. Applicability

This part applies to all residential congregate programs operated, approved, licensed, or certified by the Office of Children and Family Services, with the exception of:

- (a) family-type homes for adults as defined in 18 NYCRR 485.2(f); and*
- (b) nonsecure detention family boarding care facilities as defined in 9 NYCRR 180-1.3(d)(1).*

338.2. Face Covering Requirements

(a) "Face covering" means a mask or other face covering that fits snugly and completely covers both the nose and mouth.

(b) All staff, volunteers, contractors, vendors, visitors, and residents of programs subject to this part, who are two years of age or older and able to medically tolerate a face covering, must wear a face covering when indoors regardless of vaccination status, subject to applicable Centers for Disease Control and Prevention (CDC) standards and recommended exceptions.

(c) In no instance should a resident face a loss of services, disciplinary consequences, removal from or change in programming, or be denied admission for failure to consistently wear a face covering.

(d) All programs subject to this part shall provide their employees, contractors, volunteers, and residents with appropriate face coverings at no expense. Face coverings must be replaced or laundered as necessary.

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. CFS-52-21-00003-EP, Issue of December 29, 2021. The emergency rule will expire April 9, 2022.

Text of rule and any required statements and analyses may be obtained from: Frank J. Nuara, Associate Attorney, Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, (518) 474-9778, email: regcomments@ocfs.ny.gov

Regulatory Impact Statement

1. Statutory Authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the Office of Children and Family Services (OCFS) to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL.

Section 34(3)(c) of the SSL requires the Commissioner of OCFS to take cognizance of the interests of health and welfare of the inhabitants of the state.

Section 462(1)(a) of the SSL requires OCFS to promulgate regulations concerning standards of care, treatment, and safety applicable to all facilities exercising care or custody of children.

Section 500(2) of the Executive Law authorizes the Commissioner of OCFS to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the Executive Law.

Section 501(16) of the Executive Law authorizes the Commissioner of OCFS to perform such acts as are necessary or convenient to carry out OCFS' functions, powers, and duties in furtherance of the best interests of youth.

2. Legislative Objectives:

Chapter 436 of the Laws of 1997 created OCFS to take on the functions, powers, duties and obligations in the SSL concerning services and programs identified in article 6 of the SSL regarding the care and protection of children and under the structure and authority of article 2 of the SSL. This proposed rule enhances that responsibility by addressing the issue of risk of physical harm to youth in care and victims of domestic violence and their children residing in residential programs for victims of domestic violence caused by failing to require appropriate face coverings in congregate care settings to prevent the spread of COVID-19.

3. Needs and Benefits:

The proposed regulation will protect the health and safety of youth and victims of domestic violence and their children residing in residential programs for victims of domestic violence in congregate settings overseen by OCFS. The United States Centers for Disease Control and Prevention has issued guidance warning of the higher risks posed to persons residing in congregate settings, including juvenile detention centers (see, e.g., <https://www.cdc.gov/coronavirus/2019-ncov/community/shared-congregate-house/guidance-shared-congregate-housing.html>; <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>).

To address the need to protect youth residing in programs operated, approved, licensed or certified by OCFS, and victims of domestic violence and their children residing in residential programs for victims of domestic violence, it is incumbent on OCFS to establish expectations for operators of these programs to minimize the risk to youth in their care such as setting expectations regarding the wearing of face coverings.

4. Costs:

The proposed regulations mandate implementation of best practices recommended by numerous State and federal agencies. There are no costs anticipated.

5. Local Government Mandates:

There are no new local government mandates.

6. Paperwork:

There are no additional paperwork requirements.

7. Duplication:

The proposed regulations would not duplicate other state or federal requirements.

8. Alternatives:

No significant alternatives were considered.

9. Federal Standards:

The proposed regulations would not conflict with current federal standards.

10. Compliance Schedule:

Compliance with the proposed regulations would begin immediately upon filing.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed regulation would affect all congregate residential programs operated, approved, licensed, or certified by the Office of Children and Family Services (OCFS) in New York State. These programs include approximately 72 voluntary authorized agencies, 73 runaway and homeless youth shelters, 62 residential shelters and domestic violence programs, 30 residential sponsoring agencies with a total of 100 safe dwellings, all 10 OCFS-operated residential facilities, 16 nonsecure detention facilities, and all eight secure and specialized secure detention facilities. The proposed regulation does not affect family-type homes for adults as defined in 18 NYCRR 485.2(f) or nonsecure detention family board care facilities as defined in 9 NYCRR 180-1.3(d)(1).

2. Compliance Requirements:

The proposed regulation would require congregate residential programs operated, approved, licensed, or certified by OCFS to develop policies and

procedures that require face coverings to minimize the spread of COVID-19.

3. Professional Services:

The proposed regulation would not require additional professional services to be retained by local governments or small businesses.

4. Compliance Costs:

The proposed regulation would not impose new costs on residential programs operated, approved, licensed, or certified by OCFS.

5. Economic and Technological Feasibility:

It is not anticipated that the proposed regulations would have an adverse economic impact on local governments or small businesses. OCFS has issued guidance throughout the COVID-19 pandemic (based on up-to-date guidance or directives issued by the New York State Department of Health and the Centers for Disease Control and Prevention) related to safety protocols for staff and youth in congregate care settings.

6. Minimizing Adverse Impact:

It is not anticipated that the proposed regulations would result in an adverse impact on local governments or small businesses. Congregate residential programs are already required to have COVID-19 policies and protocols to protect the continued health and safety of youth and staff alike. The proposed regulations would reinforce such policies and procedures.

7. Small Business and Local Government Participation:

The issues addressed in the proposed regulation are not new. Throughout the COVID-19 pandemic, OCFS has been in constant contact with local governments and small businesses regarding best practices to ensure the health and safety of staff and youth in congregate care settings. Local governments and small businesses have been receptive to OCFS guidance and have had an opportunity to voice any concerns or questions throughout the COVID-19 pandemic. OCFS will continue these relationships as it completes necessary guidance related to the requirements set forth in this regulation.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

This rule will apply to all residential congregate programs operated, approved, licensed, or certified by the Office of Children and Family Services (OCFS), with the exception of family-type homes for adults and nonsecure detention family boarding care facilities, in all 44 rural areas of the state.

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

OCFS does not anticipate there will be reporting, recordkeeping and other compliance or professional services related to this regulation.

3. Costs:

There are no new costs associated with this rule in rural areas.

4. Minimizing Adverse Impact:

OCFS does not anticipate any adverse impact to congregate residential programs operated, approved, licensed, or certified by OCFS in rural areas as a result of this rule.

5. Rural Area Participation:

Since the start of the pandemic, OCFS has continuously worked with all congregate residential programs operated, approved, licensed, or certified by OCFS regarding actions to help minimize the spread of COVID-19. OCFS anticipates continuing this relationship as it completes necessary guidance related to the requirements set forth in this regulation.

Job Impact Statement

1. Nature of Impact:

The New York State Office of Children and Family Services (OCFS) does not anticipate that this rule will have a negative impact on employment opportunities in any region of New York State.

2. Categories and Numbers Affected:

None.

3. Regions of Adverse Impact:

This rule applies to all residential congregate programs operated, approved, licensed, or certified by the Office of Children and Family Services. There are no regions where this rule will have a disproportionate adverse impact on employment opportunities.

4. Minimizing Adverse Impact:

OCFS does not anticipate an adverse impact.

Assessment of Public Comment

The agency received no public comment.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Supplemental Military Leave Benefits

I.D. No. CVS-09-22-00001-P

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

Proposed Action: This is a consensus rule making to amend sections 21.15 and 28-1.17 of Title 4 NYCRR.

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

Subject: Supplemental military leave benefits.

Purpose: To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2022.

Substance of proposed rule (Full text is posted at the following State website: <https://www.cs.ny.gov/commission/calendars/February22calendar.pdf>): The proposed rule amends sections 21.15 and 28-1.17 of the Attendance Rules for Employees in New York State Departments and Institutions to continue the availability of the single grant of supplemental military leave with pay and further leave at reduced pay through December 31, 2022, and to provide for separate grants of the greater of 22 working days or 30 calendar days of training leave at reduced pay during calendar year 2022. Union represented employees already receive these benefits pursuant to memoranda of understanding (MOUs) negotiated with the Governor's Office of Employee Relations (GOER). The proposed rule merely amends section 21.15 of the Attendance Rules consistent with the current MOUs, and amends section 28-1.17 to extend equivalent benefits to employees serving in positions designated managerial or confidential (m/c).

Under current statute, section 242 of the New York State Military Law provides that public officers and employees who are members of the organized militia or any reserve force or reserve component of the armed forces of the United States may receive the greater of 22 working days or 30 calendar days of leave with pay to perform ordered military duty in the service of New York State or the United States during each calendar year or any continuous period of absence.

Following the events of September 11, 2001, certain State employees have been ordered to extended active military duty, or frequent periods of intermittent active military duty. These employees faced the loss of State salary, with attendant loss of benefits for their dependents, upon exhaustion of the annual grant of Military Law paid leave. Accordingly, supplemental military leave, leave at reduced pay and training leave at reduced pay were made available to such employees pursuant to MOUs negotiated with the employee unions. Corresponding amendments to the Attendance Rules were adopted extending equivalent military leave benefits to employees in m/c designated positions. While these benefits are intended to expire upon a date certain, the benefits described herein have been repeatedly renewed in the wake of the continuing war on terror, including homeland security activities and overseas operations.

With respect to supplemental military leave, eligible State employees federally ordered, or ordered by the Governor, to active military duty (other than for training) in response to the war on terror receive a single, non-renewable grant of the greater of 22 working days or 30 calendar days of supplemental military leave with full pay.

With respect to military leave at reduced pay, upon exhaustion of the military leave benefit conferred by the Military Law, and the single grant of supplemental military leave with pay, and any available accruals (other than sick leave) which an employee elects to use, employees who continue to perform qualifying military duty are eligible to receive military leave at reduced pay. Compensation for such leave is based upon the employee's regular State salary as of his/her last day in full pay status (defined as base pay, plus location pay, plus geographic differential) reduced by military pay (defined as base pay, plus food and housing allowances) received from the United States or New York State for military service, if the former exceeded the latter. While in leave at reduced pay status, employees are eligible to receive leave days due upon his/her personal leave anniversary if such anniversary date falls during a period of military leave at reduced pay, and can accumulate biweekly vacation and sick leave credits for any pay period in which they remain in full pay status for at least seven out of ten days (or a proportionate number of days for employees with work weeks of less than 10 days per bi-weekly pay period.) These leave benefits are available even for employees who do not receive supplemental pay because their military salaries (as defined) exceed their regular State pay.

With respect to training leave at reduced pay, many employees ordered to military duty in response to the war on terror also continue to perform other required military service unrelated to the war on terror. To support employees performing other military duty, including mandatory summer and weekend training and other activation, a new category of leave was established, entitled "training leave at reduced pay." Eligible employees receive the greater of 22 work days or 30 calendar days of training leave at reduced pay following qualifying military duty in response to the war on terror, and after depleting the annual Military Law grant of leave with pay and any leave credits (other than sick leave) that they elect to use. Training leave at reduced pay may then be used for any ordered military duty during the calendar year that is not related to the war on terror. Employees who have already utilized leave at reduced pay receive the same compensation for any periods of training leave at reduced pay. Employees who have not used leave at reduced pay prior to their initial use of training leave at reduced pay are paid according to the employee's regular State salary as of his or her last day in full pay status reduced by military pay received from the United States or New York State for military service, if the former exceeds the latter. Employees on training leave at reduced pay retain the same leave accrual benefits as apply to leave at reduced pay.

The proposed rule extends the availability of supplemental military leave with pay, leave at reduced pay and training leave at reduced pay through December 31, 2022. Employees must establish eligibility for supplemental military leave (provided they have not already depleted the single grant of such leave), leave at reduced pay and training leave at reduced pay during 2022 by performing qualifying military service.

Employees on leave at reduced pay or training leave at reduced pay on January 1, 2022, have their rate of pay calculated from their base State pay as of January 1, 2022, reduced by the military pay rate applied to their most recent period in either reduced pay category prior to 2022. For employees who have used leave at reduced pay or training leave at reduced pay prior to year 2022, their pay for either type of reduced pay leave at any point between January 1, 2022 and December 31, 2022, will be calculated from their base State pay as of their last day in full pay status after January 1, 2022, prior to their initial use of leave of reduced pay or training leave at reduced pay, offset by the rate of military pay from their most recent period of reduced pay leave, prior to 2022. Employees whose initial use of either reduced pay leave category occurs during 2022 will have their pay rate determined by their base State pay on their last day of full pay status, minus military pay. For all employees receiving leave at reduced pay or training leave at reduced pay in 2022, the initial pay calculation will apply to all subsequent periods of reduced pay leave.

The proposed amendment provides that in no event shall supplemental military leave, leave at reduced pay or training leave at reduced pay be granted for military service performed after December 31, 2022, nor shall such leaves be available to employees who have voluntarily separated from State service or who are terminated for cause.

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

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

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

Consensus Rule Making Determination

Section 6(1) of the Civil Service Law authorizes the State Civil Service Commission to prescribe and amend suitable rules and regulations concerning leaves of absence for employees in the Classified Service of the State.

Since September 11, 2001, certain State employees have been federally ordered, or ordered by the Governor, to active military duty. The New York State Military Law provides for the greater of 22 working days or 30 calendar days of military leave at full (State) pay for ordered service during each calendar year or continuous period of absence. Employees ordered to prolonged active duty, or repeatedly ordered to intermittent periods of active duty, faced exhaustion of the Military Law leave with pay benefit. Further periods of military service would then subject these employees to economic hardship from the loss of their regular State salaries and deprive their dependents of needed benefits derived from State employment.

To support State employees called to military duty after September 11, 2001, the Governor's Office of Employee Relations (GOER) executed memoranda of understanding (MOUs) with the employee unions to provide for a supplemental grant of military leave with pay and leave at reduced pay. Subsequent MOUs established a new benefit entitled training leave at reduced pay. These military leave benefits have been repeatedly renewed in the wake of the ongoing War on Terror, including homeland security activities and overseas military operations.

The Governor's Office of Employee Relations has executed new MOUs with the Classified Service employee unions extending the availability of the single grant of supplemental military leave with pay and leave at reduced pay, and training leave at reduced pay through December 31, 2022. The State Civil Service Commission shall amend the Attendance Rules in accordance with the MOUs and extend equivalent benefits to employees serving in m/c designated positions.

The Civil Service Commission has received no public comments after publication of prior amendments to the Attendance Rules establishing or re-authorizing the benefits now put forward for renewal. Previous re-adoptions of the proposed amendments have been proposed and adopted as consensus rules. As no person or entity is likely to object to the rule as written, the proposed rule is advanced as a consensus rule pursuant to State Administrative Procedure Act (SAPA) § 202(1)(b)(i).

Job Impact Statement

By amending Title 4 of the NYCRR to extend the availability of supplemental military leave, leave at reduced pay and training leave at reduced pay for eligible employees subject to the Attendance Rules for Employees in New York State Departments and Institutions, these rules will positively impact jobs or employment opportunities for eligible employees, as set forth in section 201-a(2)(a) of the State Administrative Procedure Act (SAPA). Therefore, a Job Impact Statement (JIS) is not required by section 201-a of such Act.

Education Department

NOTICE OF ADOPTION

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

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

Filing No. 105

Filing Date: 2022-02-15

Effective Date: 2022-03-02

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

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

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

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

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

Text or summary was published in the November 3, 2021 issue of the Register, I.D. No. EDU-44-21-00008-EP.

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

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

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

Filing No. 106

Filing Date: 2022-02-15

Effective Date: 2022-03-02

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

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 or summary was published in the November 3, 2021 issue of the Register, I.D. No. EDU-44-21-00009-P.

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

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

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

1. COMMENT: Commenter, who is a dean of a college, strongly endorses the proposal to permanently remove the face-to-face requirement for New York State's mandated DASA training for certification. During the COVID-19 pandemic, the State allowed for these trainings to take place remotely, and they found that this format increased access for their DASA training participants without any sacrifice of content or learning. Commenter hopes that the Board of Regents will adopt this important proposal to allow them to continue offering their DASA trainings in a variety of accessible formats.

DEPARTMENT RESPONSE: The comment is supportive of the proposed rule; therefore, no changes are necessary.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Use of Therapeutic Pharmaceutical Agents by Certified Optometrists

I.D. No. EDU-09-22-00013-P

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

Proposed Action: Amendment of section 66.5(a) of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507(2)(a), 7101 and 7101-a

Subject: Use of Therapeutic Pharmaceutical Agents by Certified Optometrists.

Purpose: To add a new class of drugs, Rho kinase inhibitors, to the list of drugs that an optometrist certified to use phase two therapeutic pharmaceutical agents may use and prescribe to treat patients, in accordance with the Commissioner of Health's recommendation.

Text of proposed rule: Subparagraph (ii) of paragraph (2) of subdivision (a) of section 66.5 of the Regulations of the Commissioner of Education is amended, to read as follows:

(ii) carbonic anhydrase inhibitors, *Rho kinase inhibitors*, and prostaglandin analogs. Such drugs shall be limited to topical application to the surface of the eye for therapeutic purposes.

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

Data, views or arguments may be submitted to: Sarah S. Benson, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education. Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

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

Section 7101 of the Education Law defines the practice of the profession of optometry and establishes, among other things, that the use of drugs by appropriately certified optometrists is authorized only in accordance with the provisions of Article 143 of the Education Law and regulation promulgated by the Commissioner of Education.

Section 7101-a of the Education Law establishes the certification requirements for optometrists to use therapeutic drugs.

2. LEGISLATIVE OBJECTIVES:

The proposed regulatory amendment carries out the intent of the aforementioned statutes that the Department shall supervise the regulation of the practice of the professions for the benefit of the public. The purpose of the proposed amendment is to add one additional class of drugs to the list of drugs that an optometrist, who is certified to use phase two therapeutic pharmaceutical agents, may use and prescribe to treat patients. The proposed amendment would permit such optometrists to use and prescribe this additional class of drugs, Rho kinase inhibitors, for topical application to the surface of the eye for therapeutic purposes only. The proposed amendment's addition of this class of drugs to the list of phase two drugs will be an important tool in the management and treatment of glaucoma.

3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to amend the regulations of the Commissioner of Education to add one additional class of drugs to the list of drugs that an optometrist, who is certified to use phase two therapeutic pharmaceutical agents, may use and prescribe to treat patients. The proposed amendment would permit such optometrists to use and prescribe this class of drugs, Rho kinase inhibitors, for topical application to the surface of the eye for therapeutic purposes only. This class of drugs have been approved by the United States Food and Drug Administration and is commercially available.

Pursuant to Education Law § 7101-a(12), the Commissioner of Health may recommend to the Commissioner additions or deletions to the Commissioner's regulations relating to optometric use of drugs except that such recommendations must be limited only to additions which have been determined to be equivalent to those drugs already authorized or deletions based upon a finding that the drugs are no longer appropriate for their current use of for other similar reasons. The Department of Health has recommended that Rho kinase inhibitors be added to the list of drugs that phase two certified optometrists may use or prescribe. Rho kinase inhibitors are similar to the classes of drugs already approved in that they are eye drops which are used to treat glaucoma. This class drugs can decrease the threat of irreversible vision loss from glaucoma in patients with open-angle glaucoma or ocular hypertension and will be an important tool in management and treatment of glaucoma.

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: Optometrists seeking certification to use therapeutic drugs must pay a \$60 application fee.

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

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed rule imposes no new reporting or other paperwork requirements beyond those imposed by statute.

7. DUPLICATION:

There are no federal or other state rules or regulations regarding the certification of optometrists to use and prescribe phase two therapeutic pharmaceutical agents, like Rho kinase inhibitors.

8. ALTERNATIVES:

The proposed rule adds one additional class of drugs, Rho kinase inhibitors, to the list of drugs that an optometrist, who is certified to use phase two therapeutic pharmaceutical agents, may use and prescribe to treat patients. Rho kinase inhibitors are similar to the classes of drugs already approved in that they are eye drops which are used to treat glaucoma. This class drugs can decrease the threat of irreversible vision loss from glaucoma in patients with open-angle glaucoma or ocular hypertension and will be an important tool in management and treatment of glaucoma. There are no significant alternatives to the proposed rule available and none were considered.

9. FEDERAL STANDARDS:

There are no federal standards for the certification of optometrists to use and prescribe phase two therapeutic pharmaceutical agents, like Rho kinase inhibitors, in New York State.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed amendment will be presented for adoption at the June 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the June 2022 Regents meeting, the proposed amendment will become effective on June 29, 2022. It is anticipated that regulated parties will be able to comply with the proposed rule by its effective date.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to amend the regulations of the Commissioner of Education to add one additional class of drugs to the list of drugs that an optometrist, who is certified to use phase two therapeutic pharmaceutical agents, may use and prescribe to treat patients. The proposed amendment would permit such optometrists to use and prescribe this class of drugs, Rho kinase inhibitors, for topical application to the surface of the eye for therapeutic purposes only.

Pursuant to Education Law § 7101-a(12), the Commissioner of Health may recommend to the Commissioner additions or deletions to the Commissioner's regulations relating to optometric use of drugs except that such recommendations must be limited only to additions which have been determined to be equivalent to those drugs already authorized or deletions based upon a finding that the drugs are no longer appropriate for their current use of for other similar reasons. The Department of Health has recommended that Rho kinase inhibitors be added to the list of drugs that phase two certified optometrists may use or prescribe. Rho kinase inhibitors are similar to the classes of drugs already approved in that they are eye drops which are used to treat glaucoma. This class drugs can decrease the threat of irreversible vision loss from glaucoma in patients with open-angle glaucoma or ocular hypertension and will be an important tool in management and treatment of glaucoma.

Additionally, this class of drugs has been approved by the United States Food and Drug Administration and is commercially available.

The proposed rule amends section 66.5 of the Commissioner's regulations as follows:

- Subdivision (a) of such section is amended to add an additional class of drugs, Rho kinase inhibitors, to the list of drugs that an optometrist, who is certified to use phase two therapeutic pharmaceutical agents, may use and prescribe to treat patients. The proposed amendment permits such optometrists to use and prescribe this class of drugs, Rho kinase inhibitors, for topical application to the surface of the eye for therapeutic purposes only.

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

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

The proposed rule will apply to all optometrists, who are certified to use phase two therapeutic pharmaceutical agents, to treat patients. The proposed amendment would permit such optometrists to use and prescribe an additional class of drugs, Rho kinase inhibitors, for topical application to the surface of the eye for therapeutic purposes only. This class drugs can decrease the threat of irreversible vision loss from glaucoma in patients with open-angle glaucoma or ocular hypertension and will be an important tool in management and treatment of glaucoma.

The proposed rule will apply to all optometrists, who are certified to use phase two therapeutic pharmaceutical agents, to treat patients, regardless of their geographic location and includes such optometrists 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. There are approximately 3,757 optometrists licensed and registered to practice in New York State and 394 of them (10.5%) reported that their permanent address of record is in a rural county of the State.

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

The proposed amendment does not impose any reporting, recordkeeping or other requirements on optometrists certified to use phase two therapeutic pharmaceutical agents, other than those required by statute. Optometrists seeking certification to use phase two therapeutic pharmaceutical agents must meet the certification requirements for such certification, which, include, among other things, submitting an application to the Department and paying a \$60 fee.

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

3. COSTS:

The proposed rule will not impose any costs on optometrists certified to use phase two therapeutic pharmaceutical agents or optometrists seeking such certification, other than those fees imposed on all such optometrists in rural and other areas of this State.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule adds one additional class of drugs, Rho kinase inhibitors, to the list of drugs that an optometrist, who is certified to use phase two therapeutic pharmaceutical agents, may use and prescribe to treat patients. The proposed rule does not change the certification requirements for optometrists to use and prescribe such therapeutic pharmaceutical agents. The requirements for an optometrist to obtain certification to use phase two therapeutic pharmaceutical agents are the same, regardless of the optometrist's location (inside or outside New York State). Thus, the Department has determined that the proposed rule's requirements should apply to all optometrists certified to use phase two therapeutic pharmaceutical agents, regardless of their geographic location, to help ensure a uniform standard of licensure for practice across the State. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

5. RURAL AREA PARTICIPATION:

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

Job Impact Statement

The purpose of the proposed rule is to amend the regulations of the Commissioner of Education to add one additional class of drugs to the list of drugs that an optometrist, who is certified to use phase two therapeutic pharmaceutical agents, may use and prescribe to treat patients. The proposed amendment would permit such optometrists to use and prescribe this class of drugs, Rho kinase inhibitors, for topical application to the surface of the eye for therapeutic purposes only.

Pursuant to Education Law § 7101-a(12), the Commissioner of Health may recommend to the Commissioner additions or deletions to the Commissioner's regulations relating to optometric use of drugs except that such recommendations must be limited only to additions which have been determined to be equivalent to those drugs already authorized or deletions based upon a finding that the drugs are no longer appropriate for their current use of for other similar reasons. The Department of Health has recommended that Rho kinase inhibitors be added to the list of drugs that phase two certified optometrists may use or prescribe. Rho kinase inhibitors are similar to the classes of drugs already approved in that they are eye drops which are used to treat glaucoma. This class drugs can decrease the threat of irreversible vision loss from glaucoma in patients with open-angle glaucoma or ocular hypertension and will be an important tool in management and treatment of glaucoma.

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Content Core Requirements for Candidates Seeking an Additional Science Certificate

I.D. No. EDU-09-22-00014-P

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

Proposed Action: Amendment of sections 52.21(b)(3) and 80-3.7(a)(2)(iii) of Title 8 NYCRR.

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

Subject: Content core requirements for candidates seeking an additional science certificate.

Purpose: To revise the content core requirements in registered teacher preparation programs and the individual evaluation pathway to certification for candidates who are seeking an additional science certificate.

Text of proposed rule: 1. Subclause (1) of clause (a) of subparagraph (iii) 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:

(1) specialist option - a major or the equivalent in English, a language other than English, biology, chemistry, earth science, physics, mathematics, or social studies; provided that the content core in social studies shall include study in economics, government, and at least a total of 21 semester hours of study in the history and geography of the United States and the world. *Provided, however, that:*

(i) for candidates who hold a classroom teaching certificate in a science certificate title, and are seeking a classroom teaching certificate in a different science certificate title(s), the program shall only require 18 semester hours of study for the content core in the subject area(s) of the additional science certificate title(s); and

(ii) for candidates who are simultaneously preparing for two or more classroom teaching certificates in different science certificate titles, the program shall require a major or the equivalent for the content core in one of the subject areas of the science certificate title and only 18 semester hours of study for the content core in the subject area(s) of the additional science certificate title(s); or

(2) ...

2. Clause (a) of subparagraph (iv) 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:

(a) Content core. In addition to meeting the general requirements for the content core prescribed in clause [(2)(ii)(b)](2)(ii)(a) of this subdivision, the content core shall be a major or its equivalent in one of the liberal arts and sciences that provides a knowledge base for assisting students in grades 7 through 12 in meeting the State learning standards for students, as applicable to one of the following subjects and prescribed in Part 100 of this Title: English, a language other than English, biology, chemistry, earth science, physics, mathematics, or social studies, provided that the content core in social studies shall include study in economics, government, and at least a total of 21 semester hours of study in the history and geography of the United States and the world. *Provided, however, that:*

(i) for candidates who hold a classroom teaching certificate in a science certificate title, and are seeking a classroom teaching certificate in a different science certificate title(s), the program shall only require 18 semester hours of study for the content core in the subject area(s) of the additional science certificate title(s); and

(ii) for candidates who are simultaneously preparing for two or more classroom teaching certificates in different science certificate titles, the program shall require a major or the equivalent for the content core in one of the subject areas of the science certificate title and only 18 semester hours of study for the content core in the subject area(s) of the additional science certificate title(s).

3. Subparagraph (iii) of paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education shall be amended to read as follows:

[(iv)] (iii) Content core. The candidate shall complete 30 semester hours of coursework in the subject area of the certificate title, which may include no more than six of the 30 semester hours in a cognate, meaning a related field as determined by the department; provided, however that a candidate seeking an initial certificate in computer science shall only be required to complete 12 semester hours of coursework in the subject area of the certificate title; *provided further, however, that a candidate who holds a classroom teaching certificate in a science certificate title, and is seeking a certificate in a different science certificate title(s), shall only be required to complete 18 semester hours of coursework in the subject area(s) of the additional science certificate title(s).*

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

Data, views or arguments may be submitted to: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 473-3781, email: OHEREGComments@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

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

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

Education Law § 305(1) and (2) provide 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 § 305(3) authorizes the Regents to prescribe the licensing of teachers employed in this State.

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

Education Law § 3004(1) authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law § 3009(1) prohibits school districts from paying the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment of sections 52.21 and 80-3.7 of the Commissioner's regulations is consistent with the above statutory authority and is necessary to address the shortage of science teachers. The proposed rule revises the content core requirement in registered teacher preparation programs such that programs would require candidates who hold a classroom teaching certificate in a science certificate title or are simultaneously preparing for two or more classroom teaching certificates in different science certificate titles, to complete 18 semester hours for the content core in the subject area(s) of the additional science certificate(s). By reducing the number of semester hours in the second content core, candidates may be more interested in seeking an additional science certificate in a different discipline and be able to complete the requirements for an additional science certificate during their program. For similar reasons, the Department proposes to revise the content core requirement for candidates pursuing teacher certification outside of a registered teacher preparation program via the individual evaluation pathway (8 NYCRR 80-3.7). In this pathway, candidates who hold a science certificate and seek an additional science certificate in a different discipline would also only be required to complete 18 semester hours for the content core in the subject area of the additional science certificate.

The proposed amendment also includes technical revisions to internal citations to align the proposed amendment with another proposed amendment that was discussed at the December 2021 Board of Regents meeting. Specifically, the reference to clause (b)(2)(ii)(b) would be amended to (b)(2)(ii)(a) in section 52.21 of the Commissioner's regulations, and subparagraph (a)(2)(vi) is amended to read (a)(2)(iii) in section 80-3.7 of the Commissioner's regulations.

3. NEEDS AND BENEFITS:

The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the U.S. Department of Education. One of the persistent statewide shortage areas is the sciences, which include biology, chemistry, earth science, and physics. School districts have also expressed difficulty in finding science teachers at the local level, especially smaller school districts that need science teachers to teach multiple science disciplines.

Most registered teacher preparation programs require candidates to complete coursework in a content core, which is a major or its equivalent of at least 30 semester hours in the subject area(s) of the certificate sought consistent with the current requirements of 8 NYCRR 52.21. For example, candidates who are simultaneously preparing for two or more classroom teaching certificates need to complete the content core requirement in each of the subject area(s) of the certificates sought, requiring as much as 60 semester hours of content. This is expensive and requires a significant commitment of additional time.

To address the shortage of science teachers, the Department is proposing to revise the content core requirement in registered teacher preparation programs such that programs would require candidates who hold a classroom teaching certificate in a science certificate title, or are simultaneously preparing for two or more classroom teaching certificates in different science certificate titles, to complete 18 semester hours for the content core in the subject area(s) of the additional science certificate(s). By reducing the number of semester hours in the second content core, candidates may be more interested in seeking an additional science certificate in a different discipline and be able to complete the requirements for an additional science certificate during their program.

For similar reasons, the Department proposes to revise the content core requirement for candidates pursuing teacher certification outside of a registered teacher preparation program via the individual evaluation pathway (8 NYCRR 80-3.7). In this pathway, candidates who hold a science certificate and seek an additional science certificate in a different discipline would also only be required to complete 18 semester hours for the content core in the subject area of the additional science certificate.

The proposed amendment also includes technical revisions to internal citations to align the proposed amendment with another proposed amendment that was discussed at the December 2021 Board of Regents meeting. Specifically, the reference to clause (b)(2)(ii)(b) would be amended to

(b)(2)(ii)(a) in section 52.21 of the Commissioner's regulations, and subparagraph (a)(2)(vi) is amended to read (a)(2)(iii) in section 80-3.7 of the Commissioner's regulations.

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 agency 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:

The proposed amendment of sections 52.21 and 80-3.7 of the Commissioner's regulations is necessary to address the shortage of science teachers. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its June 2022 meeting. If adopted at the May meeting, the proposed amendment will become effective on June 29, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendments by their respective effective dates.

Regulatory Flexibility Analysis

The purpose of the proposed amendment of sections 52.21 and 80-3.7 of the Commissioner's regulations is to address the shortage of science teachers. The proposed rule revises the content core requirement in registered teacher preparation programs such that programs would require candidates who hold a classroom teaching certificate in a science certificate title or are simultaneously preparing for two or more classroom teaching certificates in different science certificate titles, to complete 18 semester hours for the content core in the subject area(s) of the additional science certificate(s). By reducing the number of semester hours in the second content core, candidates may be more interested in seeking an additional science certificate in a different discipline and be able to complete the requirements for an additional science certificate during their program. For similar reasons, the Department proposes to revise the content core requirement for candidates pursuing teacher certification outside of a registered teacher preparation program via the individual evaluation pathway (8 NYCRR 80-3.7). In this pathway, candidates who hold a science certificate and seek an additional science certificate in a different discipline would also only be required to complete 18 semester hours for the content core in the subject area of the additional science certificate.

The proposed amendment also includes technical revisions to internal citations to align the proposed amendment with another proposed amendment that was discussed at the December 2021 Board of Regents meeting. Specifically, the reference to clause (b)(2)(ii)(b) would be amended to (b)(2)(ii)(a) in section 52.21 of the Commissioner's regulations, and subparagraph (a)(2)(vi) is amended to read (a)(2)(iii) in section 80-3.7 of the Commissioner's regulations.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

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

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

The purpose of the proposed amendment of sections 52.21 and 80-3.7 of the Commissioner's regulations is to address the shortage of science

teachers. The proposed rule revises the content core requirement in registered teacher preparation programs such that programs would require candidates who hold a classroom teaching certificate in a science certificate title or are simultaneously preparing for two or more classroom teaching certificates in different science certificate titles, to complete 18 semester hours for the content core in the subject area(s) of the additional science certificate(s). By reducing the number of semester hours in the second content core, candidates may be more interested in seeking an additional science certificate in a different discipline and be able to complete the requirements for an additional science certificate during their program. For similar reasons, the Department proposes to revise the content core requirement for candidates pursuing teacher certification outside of a registered teacher preparation program via the individual evaluation pathway (8 NYCRR 80-3.7). In this pathway, candidates who hold a science certificate and seek an additional science certificate in a different discipline would also only be required to complete 18 semester hours for the content core in the subject area of the additional science certificate.

The proposed amendment also includes technical revisions to internal citations to align the proposed amendment with another proposed amendment that was discussed at the December 2021 Board of Regents meeting. Specifically, the reference to clause (b)(2)(ii)(b) would be amended to (b)(2)(ii)(a) in section 52.21 of the Commissioner's regulations, and subparagraph (a)(2)(vi) is amended to read (a)(2)(iii) in section 80-3.7 of the Commissioner's regulations.

3. COSTS:

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

4. MINIMIZING ADVERSE IMPACT:

The proposed amendments will allow the Department to address the statewide shortage of science teachers. Therefore, no alternatives were considered for those institutions located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

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

Job Impact Statement

The purpose of the proposed amendment of sections 52.21 and 80-3.7 of the Commissioner's regulations is to address the shortage of science teachers. The proposed rule revises the content core requirement in registered teacher preparation programs such that programs would require candidates who hold a classroom teaching certificate in a science certificate title or are simultaneously preparing for two or more classroom teaching certificates in different science certificate titles, to complete 18 semester hours for the content core in the subject area(s) of the additional science certificate(s). By reducing the number of semester hours in the second content core, candidates may be more interested in seeking an additional science certificate in a different discipline and be able to complete the requirements for an additional science certificate during their program. For similar reasons, the Department proposes to revise the content core requirement for candidates pursuing teacher certification outside of a registered teacher preparation program via the individual evaluation pathway (8 NYCRR 80-3.7). In this pathway, candidates who hold a science certificate and seek an additional science certificate in a different discipline would also only be required to complete 18 semester hours for the content core in the subject area of the additional science certificate.

The proposed amendment also includes technical revisions to internal citations to align the proposed amendment with another proposed amendment that was discussed at the December 2021 Board of Regents meeting. Specifically, the reference to clause (b)(2)(ii)(b) would be amended to (b)(2)(ii)(a) in section 52.21 of the Commissioner's regulations, and subparagraph (a)(2)(vi) is amended to read (a)(2)(iii) in section 80-3.7 of the Commissioner's regulations.

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Literacy (All Grades) Certificate

I.D. No. EDU-09-22-00015-P

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

Proposed Action: Amendment of sections 30-1.8(a)(13), 52.21(b)(3), 80-1.2(b), 80-3.2(e)(1) and 80-3.7(a) of Title 8 NYCRR.

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

Subject: Literacy (All Grades) certificate.

Purpose: Establishes the Literacy (All Grades) certificate.

Text of proposed rule: 1. Paragraph (13) of subdivision (a) of section 30-1.8 of the Rules of the Board of Regents is amended to read as follows:

(13) [remedial reading] *literacy and reading*;

2. Subparagraph (xi) of paragraph (3) of subdivision (b) of section 52.21 of the Regulations of the Commissioner of Education is amended to read as follows:

(xi) Programs leading to initial and professional certificates for teaching literacy (birth through grade 6) or for teaching literacy (grades 5 through 12) for programs registered prior to September 1, 2022, or for teaching literacy (all grades).

(a) Notwithstanding the requirements of subparagraph (2)(ii) of this subdivision, the program shall lead to a master's or higher degree.

(b) Pedagogical core.

(1) *Literacy (birth-grade 6) and literacy (grades 5 through 12) for programs registered prior to September 1, 2022.* In addition to meeting the general requirements for the pedagogical core prescribed in clause [(2)(ii)(c)](2)(ii)(b) of this subdivision, the pedagogical core shall be focused on early childhood or childhood education, or on middle childhood or adolescence education, as appropriate to the certificate, and shall include, but need not be limited to: *for the literacy certificate (birth through grade 6), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the early childhood and childhood levels; and for the literacy certificate (grades 5 through 12), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the middle childhood and adolescent levels. The time requirements for field experience, student teaching and practica of subclause (2)(ii)(b)(2) of this subdivision shall not be applicable.*

(2) *Literacy (all grades).* In addition to meeting the general requirements for the pedagogical core prescribed in clause (2)(ii)(b) of this subdivision, the pedagogical core shall include at least 50 clock hours of college-supervised practica in teaching literacy to students at the early childhood or childhood level and at least 50 clock hours of college-supervised practica in teaching literacy to students at the adolescent level. The time requirements for field experience, student teaching and practica of subclause (2)(ii)(c)(2) of this subdivision shall not be applicable.

[(1)](3) Programs shall include, but need not be limited to, graduate study that prepares candidates with:

(i) ...

(ii) ...

(iii) proficiency in organizing and enhancing literacy programs, including but not limited to: communicating information about literacy to various groups; developing literacy curricula; and communicating assessment results to parents, caregivers, and school personnel; and

(2) for the literacy certificate (birth through grade 6), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the early childhood and childhood levels; and for the literacy certificate (grades 5 through 12), at least 50 clock hours of college-supervised practica in teaching literacy to students at both the middle childhood and adolescent levels. The time requirements for field experience, student teaching and practica of subclause (2)(ii)(c)(2) of this subdivision shall not be applicable.]

(c) Programs shall require the candidate to have completed the requirements for an initial classroom teaching certificate in another certificate title, as a pre-requisite for admission.

(d) The general requirements for programs leading to a professional certificate prescribed in subparagraph (2)(iii) of this subdivision shall not be applicable.

(e) *The Department shall not register programs leading to initial and professional certificates for teaching literacy (birth through grade 6) or for teaching literacy (grades 5 through 12) on or after September 1, 2022, and any such registered programs shall no longer be registered with the department on or after September 1, 2026.*

3. Subdivision (b) of section 80-1.2 of the Regulations of the Commissioner of Education is amended by adding a new paragraph (10) to read as follows:

(10) *The commissioner shall not issue certificates in the literacy (birth-grade 6) and literacy (grades 5-12) certificate titles, other than the Professional certificate and reissuance of an Initial certificate, with an effective date that begins after September 1, 2027. The commissioner may extend the effective date of such certificates, as applicable, after September 1, 2027 pursuant to the requirements of section 80-1.6 of this Subpart.*

4. Subparagraph (xxxvii) through subparagraph (xlvi) of paragraph (1) of subdivision (e) of section 80-3.2 of the Regulations of the Commissioner of Education are relettered subparagraphs (xxxviii) through subparagraph (xliv) and a new subparagraph (xxxvii) is added to read as follows:

(xxxvii) *Literacy (all grades)*

5. Subparagraph (v) of paragraph (2) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education shall be amended to read as follows:

[(v)](iv) *Pedagogical core.* The candidate shall complete pedagogical coursework as prescribed in clause (a) of this subparagraph and teaching experience as prescribed in clause (b) of this subparagraph, provided that candidates identified in this subparagraph shall not be required to demonstrate completion of the pedagogical core requirements. A candidate who holds one or more provisional certificates, permanent certificates, initial certificates, or professional certificates in a title in the classroom teaching service, other than a title in a specific career and technical subject (grades 7-12), shall not be required to demonstrate completion of the pedagogical core requirements for an additional initial certificate in the classroom teaching service sought, except for such candidates who are seeking an additional initial certificate in one or more of the following titles: early childhood education, childhood education, generalist in middle childhood education (grades 5-9), specialist in middle childhood education (grades 5-9), English to speakers of other languages (all grades), literacy (birth-grade 6) [and], literacy (grades 5-12), *literacy (all grades)*, students with disabilities (birth-grade 2), students with disabilities (grades 1-6), students with disabilities (grades 5-9), students with disabilities (grades 7-12), deaf and hard of hearing (all grades), blind or visually impaired (all grades), and speech and language disabilities (all grades).

6. Subparagraph (iv) of paragraph (3) of subdivision (a) of section 80-3.7 of the Regulations of the Commissioner of Education shall be amended to read as follows:

(iv) *Literacy (birth-grade 6) and literacy (grades 5-12) for candidates who apply for their certificate prior to September 1, 2023 and meet all requirements for the certificate prior to September 1, 2026 and literacy (all grades).*

(a) *Content core.* The content core prescribed in subparagraph [(2)(iv)](2)(iii) of this subdivision shall consist of at least 30 semester hours of coursework that meets the content core requirements for an initial certificate in any certificate title in the classroom teaching service, except titles in specific career and technical subjects.

(b) *Pedagogical core.* In lieu of meeting the pedagogical core requirements in subparagraph [(2)(v)](2)(iv) of this subdivision, the candidate shall complete pedagogical coursework prescribed in subclause (1) of this clause and the teaching experience prescribed in subclause (2) of this clause.

(1) ...

(2) *Teaching experience.*

(i) *Literacy (birth-grade 6) and literacy (grades 5-12) certificates.*

Candidates [who apply for a certificate prior to September 1, 2027] shall satisfactorily complete 40 school days in a college-supervised student teaching experience or as an employed teacher. In addition, the candidate shall satisfactorily complete a college-supervised practicum, as defined in section 52.21(b)(2) of this Title, of 50 clock hours in teaching literacy to students, at developmental levels appropriate to the certificate sought. For candidates who apply for both certificate titles, literacy (birth-grade 6) and literacy (grades 5-12), the 50-clock hour practicum shall include 25 clock hours of teaching students (birth- grade 6) and 25 clock hours of teaching students (grades 5-12). One year of paid, satisfactory, full-time experience as a literacy teacher on the elementary and/or secondary level may be accepted in lieu of the college-supervised practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literary teacher in a New York State public school must be in accordance with the commissioner's regulations.

[(ii) For candidates applying for certificate on or after September 1, 2027, the candidate shall satisfactorily complete 14 weeks of full time college-supervised student teaching, as defined in section 52.21(b)(2) of this Title, or 70 full-time school days or 140 at least half-time school days as a paid, employed teacher; provided that such paid employment experience must include at least one continuous period of no fewer than 35 days. In addition, the candidate shall satisfactorily complete a practicum, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students, at developmental levels appropriate to the certificate sought. For candidates who apply for both certificate titles, literacy (birth-grade 6) and literacy (grades 5-12), the 50-clock hour practicum shall include 25 clock hours of teaching students birth-grade 6 and 25 clock hours of teaching students grades 5-12. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literary teacher in a New York State public school must be in accordance with the commissioner's regulations.]

(ii) *Literacy (all grades) certificate.*

(a) Candidates who apply for a certificate prior to September 1, 2027, shall satisfactorily complete 40 school days in a college-supervised student teaching experience or as an employed teacher. In addition, the candidate shall satisfactorily complete college-supervised practica, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students at the birth to grade 6 level and at least 50 clock hours in teaching literacy to students at the grades 7 to 12 level. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the college-supervised practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literacy teacher in a New York State public school must be in accordance with the commissioner's regulations.

(b) For candidates applying for certificate on or after September 1, 2027, the candidate shall satisfactorily complete 14 weeks of full-time college-supervised student teaching, as defined in section 52.21(b)(2) of this Title, or 70 full-time school days or 140 at least half-time school days as a paid, employed teacher; provided that such paid employment experience must include at least one continuous period of no fewer than 35 days. In addition, the candidate shall satisfactorily complete college-supervised practica, as defined in section 52.21(b)(2) of this Title, of at least 50 clock hours in teaching literacy to students at the birth to grade 6 level and at least 50 clock hours in teaching literacy to students at the grades 7 to 12 level. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator. To satisfy this requirement, any experience as a literacy teacher in a New York State public school must be in accordance with the commissioner's regulations.

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

Data, views or arguments may be submitted to: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 473-3781, email: OHEREGComments@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

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

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

Education Law § 305(1) and (2) provide 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 § 305(3) authorizes the Regents to prescribe the licensing of teachers employed in this State.

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 of section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education establishing the Literacy (All Grades) certificate is consistent with the above statutory authority and is necessary to address the address the shortage of certified literacy teachers.

3. NEEDS AND BENEFITS:

The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the U.S. Department of Education. Literacy is one of the persistent statewide shortage areas. The two teacher certificates in literacy are Literacy (Birth-Grade 6) and Literacy (Grades 5-12).

To address the shortage of certified literacy teachers, the Department is proposing regulatory amendments to establish the Literacy (All Grades) certificate. This certificate would allow literacy teachers to teach the full

range of grade levels and give school districts more flexibility in placing teachers in the grade levels with the highest staffing needs.

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 agency 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:

The proposed amendment is necessary to address the address the shortage of certified literacy teachers. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its June 2022 meeting. If adopted at the May meeting, the proposed amendment will become effective on June 29, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendments by their respective effective dates.

Regulatory Flexibility Analysis

The purpose of the proposed amendments to section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education relating to establishing the Literacy (All Grades) certificate is to address the shortage of certified literacy teachers.

The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the U.S. Department of Education. Literacy is one of the persistent statewide shortage areas. The two teacher certificates in literacy are Literacy (Birth-Grade 6) and Literacy (Grades 5-12).

To address the shortage of certified literacy teachers, the Department is proposing regulatory amendments to establish the Literacy (All Grades) certificate. This certificate would allow literacy teachers to teach the full range of grade levels and give school districts more flexibility in placing teachers in the grade levels with the highest staffing needs.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

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

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

The purpose of the proposed amendments to section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education relating to establishing the Literacy (All Grades) certificate is to address the address the shortage of certified literacy teachers.

The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the U.S. Department of Education. Literacy is one of the persistent statewide shortage areas. The two teacher certificates in literacy are Literacy (Birth-Grade 6) and Literacy (Grades 5-12).

To address the shortage of certified literacy teachers, the Department is proposing regulatory amendments to establish the Literacy (All Grades) certificate. This certificate would allow literacy teachers to teach the full range of grade levels and give school districts more flexibility in placing teachers in the grade levels with the highest staffing needs.

Registered Literacy Programs:

The Department proposes to amend section 52.21 of the Commissioner's regulations to create registration requirements for programs leading to the Initial and/or Professional Literacy (All Grades) certificates. The Department would no longer register programs leading to the current Literacy (Birth-Grade 6) or Literacy (Grades 5-12) certificates on or after September 1, 2022 and would begin registering programs leading to the proposed Literacy (All Grades) certificate on the effective date of the proposed amendment.

For institutions that currently have registered literacy programs, the programs would no longer be registered with the Department on or after September 1, 2026. The deadline of September 1, 2026 provides a sufficient transition period for institutions to register programs leading to the new proposed Literacy (All Grades) certificate and allows candidates to complete their current literacy programs.

The pedagogical core coursework requirements for registered programs leading to the proposed Literacy (All Grades) certificate are the same as the pedagogical core coursework requirements for the current Literacy (Birth-Grade 6) or Literacy (Grades 5-12), other than the developmental level of the pedagogical core. Registered programs leading to the Literacy (All Grades) certificate would include college-supervised practica that span the grade levels, with at least 50 clock hours in teaching literacy to students at the early childhood or childhood level and at least 50 clock hours in teaching literacy to students at the adolescent level.

Certification:

The proposed amendment to section 80-1.2 of the Commissioner's regulations provides that the Department will not issue certificates in the Literacy (Birth-Grade 6) and Literacy (Grades 5-12) certificate titles, other than the Professional certificate and reissuance of an Initial certificate, with an effective date that begins after September 1, 2027. In addition, the Department may extend the effective date of such certificates, as applicable, after September 1, 2027, pursuant to the time extension requirements for certificates in section 80-1.6 of the Commissioner's regulations. The Professional certificate and reissuance of an Initial certificate in these certificate titles will continue to be issued, holding harmless candidates who have a valid or expired Initial Literacy (Birth-Grade 6) and/or Literacy (Grades 5-12) certificate.

The proposed amendment to section 80-3.2 of the Commissioner's regulations adds a Literacy (All Grades) certificate to the list of certificate titles in the classroom teaching service, allowing candidates to be issued such certificate on the effective date of the proposed rule.

Additionally, the Department proposes to amend section 80-3.7 of the Commissioner's regulations to allow candidates to apply for a Literacy (All Grades) certificate through the individual evaluation pathway on the effective date of the proposed rule. Candidates will continue to be able to apply for the Literacy (Birth-Grade 6) and/or Literacy (Grades 5-12) certificates through the individual evaluation pathway prior to September 1, 2023, and will be eligible for such certificates, provided that they meet all requirement(s) for the certificate prior to September 1, 2026. This timeline provides candidates with at least one year to apply and qualify for the current literacy certificates through the individual evaluation pathway.

The coursework requirements for the proposed Literacy (All Grades) certificate are the same as the coursework requirements for the current Literacy (Birth-Grade 6) and Literacy (Grades 5-12) certificates in the individual evaluation pathway to certification. The proposed Literacy (All Grades) certificate will require a college-supervised practica of at least 50 clock hours in teaching literacy to students at the birth to grade 6 level and at least 50 clock hours in teaching literacy to students at the grades 7 to 12 level. One year of paid, satisfactory, full-time experience as a literacy teacher at the elementary and/or secondary level may be accepted in lieu of the practicum in literacy when such experience is verified by the employing school district administrator.

Additional Amendments:

The Department also proposes to amend section 30-1.8 of Rules of the Board of Regents to rename the "remedial reading" tenure area to the "literacy and reading" tenure area. The proposed tenure area would include the same areas as the current tenure area, but more explicitly and appropriately highlights literacy as a subject area. Any prior service in the "remedial reading" tenure area would be included toward service in the renamed "literacy and reading" tenure area.

In addition, the proposed amendment includes technical revisions to internal citations to align the proposed amendment with another proposed amendment that was discussed at the December 2021 Board of Regents meeting. Specifically, in Commissioner's regulations § 52.21(b) the reference to clause (2)(ii)(c) would be re-lettered to read (2)(ii)(b) and in Commissioner's regulations § 80-3.7(a) subparagraphs (2)(iv) and (2)(v) would be renumbered to read (2)(iii) and (2)(iv), respectively.

3. COSTS:

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

4. MINIMIZING ADVERSE IMPACT:

The proposed amendments will allow the Department to address the statewide shortage of certified literacy teachers. Therefore, no alternatives were considered for those institutions located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

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

Job Impact Statement

The purpose of the proposed amendments to section 30-1.8 of the Rules of the Board of Regents and sections 52.21, 80-1.2, 80-3.2, and 80-3.7 of the Regulations of the Commissioner of Education relating to establishing the Literacy (All Grades) certificate is to address the address the shortage of certified literacy teachers.

The Department collects data on statewide teacher shortage areas and reports the shortage areas annually to the U.S. Department of Education. Literacy is one of the persistent statewide shortage areas. The two teacher certificates in literacy are Literacy (Birth-Grade 6) and Literacy (Grades 5-12).

To address the shortage of certified literacy teachers, the Department is proposing regulatory amendments to establish the Literacy (All Grades) certificate. This certificate would allow literacy teachers to teach the full range of grade levels and give school districts more flexibility in placing teachers in the grade levels with the highest.

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Board of Education Cooperative Services Regional Technology Plans

I.D. No. EDU-09-22-00016-P

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

Proposed Action: Amendment of section 115.1 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305 and 1950

Subject: Board of education cooperative services regional technology plans.

Purpose: To modernize the language and align requirements of the regional technology plans required to be submitted by BOCES.

Text of proposed rule: Section 115.1 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 115.1. BOCES [computer services] *regional technology* plans.

(a) Purpose. The purpose of this section is to set forth the requirements for approval of [computer services] *regional technology* plans prepared by boards of cooperative educational services and submitted to the commissioner in accordance with section 1950(4)(c) of the Education Law. Applications for the approval of shared services shall be determined, in relevant part, based on consistency with an approved *regional technology* plan.

(b) Plan requirements. Each board of cooperative educational services shall prepare a five-year regional *technology* plan to meet the projected need for cooperative [computer] *technology* services in the supervisory district[, and]. *Plans* shall [submit such plan] *be submitted* to the commissioner, *in a form and manner approved by the commissioner*, on or before the first day of December of each year. Each plan shall contain:

(1) a description of the [long-range] *regional collaborative* planning process, which[includes]:

(i) [a list of persons involved in the development of the plan] *shall meet the criteria established by the commissioner; and*

(ii) [criteria for selection of such individuals; and] *shall be approved by the BOCES district superintendents in the regions prior to submission to the commissioner;*

[(iii) a description of the planning processes which were followed and will be followed;

(2) evidence that the proposed computer services are consistent with and conform to policies and criteria for BOCES-provided computer services approved by the commissioner;

(3) a description, in a form prescribed by the commissioner, of computer services currently made available by BOCES within the service region;

(4) a list, in a form prescribed by the commissioner, of the mainframe, mini and micro hardware which is a part of the delivery system, including a rationale for the selection of such hardware;

(5) a list, in a form prescribed by the commissioner, of the software which has been selected to run on all hardware which comprises the system, including a rationale for the selection of this particular set of software;

(6) a network description, in a form prescribed by the commissioner, which clearly indicates the lines, line types and locations of devices which comprise the regional delivery system;

(7) a description, where appropriate, of how the regional system will take into account findings of department-conducted operations and management audits;

(8) a summary of costs and revenues, broken down by application area, as well as the proposed charges to school districts for future services, including a rationale for those particular charges;

(9) a list of the major problems impeding more] (2) a description of how the regional technology plan supports efficient and effective provision of technology services, [and a detailed description of the steps proposed to overcome the problems] which includes a description of major challenges to be addressed by the plan;

[(10)] (3) a description of how the regional technology plan addresses the technology and data priorities and needs of the state, and how such plan will increase school district access to technology and assist school districts in developing and maintaining robust information privacy, information security, and cybersecurity controls;

(4) a list of [assumptions about future school district] regional priorities and needs [and changes in information technology which are governing long-range projections about the nature of future delivery systems] that the regional technology plan will address;

[(11)] (5) a description of [a comprehensive needs assessment, which includes a survey of users and nonusers within the regional service delivery system] the methods used to identify and prioritize needs in the region, which shall include engagement with key stakeholder groups;

[(12)] priorities established as a result of such needs assessment;

[(13)] (6) a list of quantifiable goals and a description of how the goals [for long-range] will directly address the regional technology needs and improve service delivery over the next five years;

[(14)] a description of how the services made available will assist school districts to meet State reporting requirements;

(15) a detailed plan, and] (7) performance objectives for the first two years of the plan;

[(16)] a description of how local personnel intend to evaluate the extent to which goals and performance objectives are achieved;

[(17)] (8) a description of the procedures which will be put in place to monitor the plan's implementation; [and]

(9) an evaluation of the performance objectives for the previous two years; and

[(18)] (10) other such items as may be deemed necessary by the commissioner.

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

Data, views or arguments may be submitted to: Marybeth Casey, Assistant Commissioner, NYS Education Department, Office of Curriculum & Instruction, 89 Washington Ave., Room 2m, Albany, NY 12234, (518) 474-0059, email: REGCOMMENTS@nysed.gov

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 charges the Department with the general management and supervision of all public schools and all the educational work of the state.

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

Education Law § 305(1) and (2) provide 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 § 1950 allows for the establishment of boards of cooperative educational services (BOCES) for the purpose of carrying out a program of shared educational services in the schools of the supervisory district and for providing instruction in such special subjects as the commissioner may approve. Education Law § 1950(4)(c) require BOCES to create and update long-range service plans.

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to modernize the language and align requirements relating to Boards of Cooperative Educational Services (BOCES) regional technol-

ogy plans to updated technologies, practices, and priorities, as identified by a workgroup comprised of BOCES District Superintendents, Directors of BOCES Regional Information Centers, and NYSED staff.

3. NEEDS AND BENEFITS:

Commissioner's regulations set forth requirements for approval and submission of BOCES regional technology plans.

The commonly used title for BOCES computer service plans, "793 Plans," is based on Chapter 793 of the Laws of 1975 (Chapter 793). Chapter 793 amended Education Law § 1950(4)(c) to establish the requirement that BOCES create, update annually (on or before December 1), and submit to the Commissioner long-range service plans. The term "793 Plans" was formally utilized in a 1983 NYSED memo to BOCES District Superintendents regarding Administrative Management and Instructional Management Computer Services Planning, provided as Attachment C. This memo identified the purpose of the 793 Plans as ensuring collaborative planning among BOCES for the provision of technology services in the region.

The requirement that BOCES engage in this collaborative planning provides numerous benefits to districts, regions, and the state, including facilitating the provision of cost-effective services; developing and maintaining robust, reliable, and secure regional technology and data ecosystems; and ensuring regional availability of services aligned to evolving state and regional priorities.

The language of section 115.1 of the Commissioner's regulations has not been updated since it was first adopted in 1984.¹ In 2019, a workgroup comprised of BOCES District Superintendents, Directors of BOCES Regional Information Centers, and NYSED staff was established to draft proposed amendments to this section to modernize the language and align requirements to updated technologies, practices, and priorities. A list of workgroup members is included as Attachment B.

The proposed amendment incorporates the recommendations from the workgroup. Specifically, the proposed amendment:

- Modernizes the regulatory language to reflect current technology and practice. For example, references to "computer services" were replaced with "technology services";
- Reduces the total number of Plan requirements from 18 to 10. The requirements recommended for elimination pertain to information that is collected through other channels (such as cooperative services applications) and obsolete technology, such as lists of "mainframe, mini and micro hardware"; and
- Promotes regional collaboration and ensures that state priorities, such as increased access to technology and maintaining robust cybersecurity controls, are addressed.

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 beyond those inherent in statute.
- c. Costs to private regulated parties: The amendments do not impose any costs on private regulated parties.
- d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon any local government. Section 115.1 currently requires BOCES to prepare and submit "computer services plans" to the Commissioner and prescribes requirements for such plan. The proposed amendment modernizes the regulatory language to reflect current technology and practice (e.g. renames the plan "regional technology plan"), reduces the total number of plan requirements from 18 to 10, and promotes regional collaboration and ensures state priorities, such as increased access to technology and maintaining robust cybersecurity controls, are addressed in the plan.

6. PAPERWORK:

The proposed amendments do not impose any additional paperwork requirements. Section 115.1 currently requires BOCES to prepare and submit such plans to the Commissioner on or before the first day of December each year.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment is necessary to modernize the language and align requirements relating to Boards of Cooperative Educational Services (BOCES) regional technology plans to updated technologies, practices, and priorities, as identified by a workgroup comprised of BOCES District Superintendents, Directors of BOCES Regional Information Centers, and NYSED staff. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its June 2022 meeting. If adopted at the May meeting, the proposed amendment will become effective on June 29, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendments by their respective effective dates.

¹Section 115.3 of the Commissioner's regulations was added in 1984 and renumbered to be section 115.1 in 1985.

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

The proposed rule is necessary to modernize the language and align requirements relating to Boards of Cooperative Educational Services (BOCES) regional technology plans to updated technologies, practices, and priorities, as identified by a workgroup comprised of BOCES District Superintendents, Directors of BOCES Regional Information Centers, and NYSED staff.

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 amendment applies to all BOCES in the State. The purpose of the amendment is to modernize the language and align requirements relating to BOCES regional technology plans to updated technologies, practices, and priorities.

2. COMPLIANCE REQUIREMENTS:

Section 115.1 currently requires BOCES to prepare and submit "computer services plans" to the Commissioner and prescribes requirements for such plan. The proposed amendment modernizes the regulatory language to reflect current technology and practice (e.g. renames the plan "regional technology plan"), reduces the total number of plan requirements from 18 to 10, and promotes regional collaboration and ensures state priorities, such as increased access to technology and maintaining robust cybersecurity controls, are addressed in the plan.

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

The proposed amendment does not impose any costs on local governments beyond those inherent in statute.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

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

6. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to modernize the language and align requirements relating to Boards of Cooperative Educational Services (BOCES) regional technology plans to updated technologies, practices, and priorities, as identified by a workgroup comprised of BOCES District Superintendents, Directors of BOCES Regional Information Centers, and NYSED staff. Therefore, no alternatives were considered.

7. LOCAL GOVERNMENT PARTICIPATION:

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

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

The proposed amendment applies to all boards of cooperative education (BOCES), 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:

Section 115.1 currently requires BOCES to prepare and submit "computer services plans" to the Commissioner and prescribes requirements for such plan. The proposed amendment modernizes the regulatory language to reflect current technology and practice (e.g. renames the plan "regional technology plan"), reduces the total number of plan requirements from 18 to 10, and promotes regional collaboration and ensures state priorities, such as increased access to technology and maintaining robust cybersecurity controls, are addressed in the plan.

3. COSTS:

The proposed amendments do not impose any costs on BOCES beyond those inherent in statute.

4. MINIMIZING ADVERSE IMPACT:

The proposed amendments are necessary to modernize the language and align requirements relating to BOCES regional technology plans to updated technologies, practices, and priorities. Therefore, no alternatives were considered for those institutions located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

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

Job Impact Statement

In accordance with Education Law § 1950(4)(c), section 115.1 of the Commissioner's regulations sets forth requirements for approval and submission of BOCES computer service plans. The proposed amendment incorporates recommendations from a workgroup comprised of BOCES District Superintendents, Directors of BOCES Regional Information Centers, and NYSED staff, established to draft proposed amendments to this section to modernize the language and align requirements to updated technologies, practices, and priorities. Specifically, the proposed amendment:

- Modernizes the regulatory language to reflect current technology and practice. For example, references to "computer services" were replaced with "technology services";

- Reduces the total number of Plan requirements from 18 to 10. The requirements recommended for elimination pertain to information that is collected through other channels (such as cooperative services applications) and obsolete technology, such as lists of "mainframe, mini and micro hardware"; and

- Promotes regional collaboration and ensures that state priorities, such as increased access to technology and maintaining robust cybersecurity controls, are addressed.

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 Financial Services

EMERGENCY RULE MAKING

Fees (Maximum Fee That May be Charged by Licensed Check Cashers for Cashing Checks for Retail Consumers)

I.D. No. DFS-09-22-00004-E

Filing No. 101

Filing Date: 2022-02-14

Effective Date: 2022-02-14

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

Action taken: Amendment of section 400.11 of Title 3 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Banking Law, sections 10, 14, 371 and 372

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

Specific reasons underlying the finding of necessity: Pursuant to Section 372 of the Banking Law, the Superintendent of Financial Services is required, by regulation, to "establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order." Since 1994, the maximum check cashing fee has been established by Section 400.11. That section provides a base maximum check cashing fee that increases every year "based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers" ("CPI").

Following a 2019 amendment to 400.11, the maximum fee that a licensee may charge for cashing a retail check was set at the greater of "2.19 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section," or one dollar. The increase to the maximum fee is calculated by multiplying the existing maximum fee by the increase in the CPI, and adding the result to the existing maximum fee. These increases are cumulative, meaning that each annual maximum fee increase results in a new base maximum fee. As a result of the increase established by Section 400.11, the base maximum fee for cashing a check rose to 2.23% in 2020, and 2.27% in 2021.

However, Section 400.11 provides that “[n]othing herein shall be deemed to prohibit the Superintendent from setting, by regulation, a different maximum per centum fee at any time where the Superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers”.

Section 400.11 establishes a fixed methodology by which the maximum fee increases every year, based on an increase in a broad, regional measure of consumer prices that measures the average prices of a basket of consumer goods and services.

In light of the prolonged adverse economic impact on New York consumers, particularly those that utilize the services of check cashing industry, the Department of Financial Services (the “Department”) is concerned with the adequacy of the process established by Section 400.11 and whether the fixed methodology established several years ago adequately considers other factors that need to be taken into account to protect the public interest. For example, the Department is concerned as to whether CPI is an appropriate basis to increase the maximum check cashing fee on an annual basis. CPI is a broad regional measure of the cost of living for a variety of consumers based on changes in prices of a host of consumer goods and services, such as food, energy, transportation, and medical care. It is a measure of the prices that consumers pay to buy goods and services for their day-to-day living. This is not necessarily a reliable or accurate indicator of the costs of operating a business generally, or a check cashing business, specifically, particularly as unexpected events, such as a prolonged pandemic, could have significant adverse impact on the financial health of the users of check cashing services. In fact, Section 400.11 essentially treats check cashers as urban consumers, granting annual fee increases without taking into account that, for example, an increase in CPI means that the purchasing power of the consumer declines.

Focusing solely on CPI ignores other, more relevant factors relating to costs of a check casher, and entirely ignores the associated impact of CPI increases on consumers. Among other things, solely relying on CPI ignores actual business expenses, other additional streams of income that many check cashers generate, such as cashing commercial checks that are not subject to statutory fee limits, or because they use their business as a platform to offer additional services, and their business practices. Moreover, it discounts the potential that CPI increases may beneficially impact check cashing fees, and does not consider whether the increase in fees, along with the rising costs of other goods and services, has an undue and unfair impact on consumers. For example, if wages increase with inflation, the face value of the checks being cashed increases as well. Larger checks generate higher fees for check cashers, and an annual fee increase, in essence, would result in the maximum check cashing fee increasing twice. Conversely, if wages are stagnant, automatic increases in check cashing fees mean that consumers are being hit with price increases and an increase in the cost of cashing checks.

All of this indicates that the calculation of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Section 400.11 appears to be inadequate. Therefore, while the Department assesses the methodology used to set the maximum fee for cashing a check, there will be no increase in the maximum check cashing fee for 2022. Accordingly, until a permanent regulation is adopted codifying a new methodology, this emergency regulation will maintain the status quo by setting the base maximum rate set forth in subdivision (a) of Section 400.11 at last year’s rate of 2.27%, and subdivision (b) shall provide that the annual maximum fee calculation will resume in 2023 based on a new methodology to be established pursuant to the permanent regulation.

In reaching this conclusion, the Department notes that many check cashers have other sources of revenue, including commercial check cashing, for which there is no limit on the fees that check cashers may charge, and income related sources of business, including agency agreements with money transmitters. The income generated by check cashers over the last several years has been sufficient to support substantial salaries and expenses for high level employees of check cashers. Moreover, many licensed check cashers offer discounted fees to certain customers and employees while charging the maximum fee to others, resulting in a tiered pricing scheme that raises additional questions about the need to continuously raise the maximum check cashing fee.

While the check cashing industry has continuously received fee increases, including two fee increases in 2019 – a special fee increase as well as an increase based on CPI changes – and an increase in 2020, and 2021, the consumers that check cashers generally serve have been struggling due to the impact of COVID-19. The fee increase process implemented by Section 400.11 does not consider the impact of the constant increases in the maximum fee on the consumers. Instead, it provides for a fixed process, without taking into account the full impact of the prevailing market conditions and the socio-economic impact of unforeseen events,

such as a prolonged pandemic on consumers. While the Department weighs how to more carefully balance the competing interests implicated by the maximum check cashing fee, keeping the fee steady for this year is warranted.

The emergency adoption of this regulation is necessary because, as Section 400.11 is currently drafted, the Department is scheduled to post the increase to the maximum check cashing fee indicated by the CPI increase by February 11, 2022. Because the Superintendent is not authorizing an increase to the maximum check cashing fee this year, the emergency will eliminate the posting requirement for this year and provide time for the Department to review and potentially revise the process by which increases to the maximum check cashing fee are implemented.

Subject: Fees (maximum fee that may be charged by licensed check cashers for cashing checks for retail consumers).

Purpose: The amendment to Section 400.11 maintains the maximum check cashing fee currently in force while the Department assesses the methodology that should be used to set the maximum fee for cashing a check.

Text of emergency rule: Section 400.11 is amended to read as follows:

(a) Except with respect to the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons, a licensee shall be permitted to charge or collect a fee for cashing a check, draft or money order not to exceed:

(1) [2.19] 2.27 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section; or

(2) \$1, whichever is greater.

(b) Effective January 1, [2005] 2023, and annually thereafter, the maximum per centum fee specified in subdivision (a) of this section, shall be increased by a per centum amount, based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers (annual CPI-U), as reported by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year preceding the year in which such increase is made compared to such annual CPI-U for the year prior to such preceding year. The maximum per centum fee that may be charged or collected for cashing a check, draft or money order pursuant to this section in effect at such time shall be multiplied by such computed per centum amount and the result added to such maximum per centum fee. The resulting sum shall be the revised maximum per centum fee, which shall be posted upon the internet site of the Department of Financial Services (www.dfs.ny.gov) by the superintendent not later than 45 days following the public release of such annual index by the U.S. Department of Labor. Such revised maximum per centum fee shall be calculated and posted to the nearest one-hundredth of a per centum. Such revised maximum per centum fee shall be effective not later than 45 days after the superintendent shall have notified the Majority Leader of the Senate, the Speaker of the Assembly, and the chairperson of the Senate and Assembly Committees on Banks of his/her intention to change the maximum per centum fee pursuant to the provisions of section 372.3 of the Banking Law and shall continue in effect until revised and increased in the next succeeding year based upon an increase in such annual index. If such CPI-U does not increase in any one year, the maximum per centum fee in effect during the year in which the index does not increase shall remain unchanged in the next succeeding year. Nothing herein shall be deemed to prohibit the superintendent from setting, by regulation, a different maximum per centum fee at any time where the superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers. No maximum fee shall apply to the charging of fees by licensees for the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons.

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 May 14, 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 and Banking Law Sections 10, 14, 371 and 372.

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

Financial Services Law Section 302 authorizes the Superintendent to prescribe regulations interpreting the Banking Law and to effectuate any power granted to the Superintendent in the Banking Law, Financial Services Law, and any other law.

Pursuant to Banking Law Section 372, licensed cashers of checks may only charge a fee for cashing checks for retail consumers that does not exceed the maximum fee established by the Superintendent of Financial Services by regulation. Pursuant to that authority, the Department sets the maximum fee, and a process for increasing the maximum fee, in Part 400.11 of Title 3 of the NYCRR. Additional authority for setting the fee is provided by Banking Law Sections 10, 14, and 371.

2. Legislative Objectives: By requiring the Department of Financial Services to establish the maximum fee that may be charged for by licensed cashers of checks for cashing checks for retail consumers, the Legislature intended for the Department to balance the interests of consumers in paying a reasonable fee to cash their checks and the needs of the industry to conduct their business.

3. Needs and Benefits: Pursuant to Banking Law Section 372, the Superintendent of Financial Services is required, by regulation, to “establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order.” Since 1994, the maximum check cashing fee has been established by Part 400.11. That Part provides a base maximum check cashing fee that increases every year “based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers” (“CPI”).

Following a 2019 amendment to Section 400.11, the maximum fee that a licensee may charge for cashing a retail check was set at the greater of “2.19 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section,” or one dollar. The increase to the maximum fee is calculated by multiplying the existing maximum fee by the increase in the CPI and adding the result to the existing maximum fee. These increases are cumulative, meaning that each annual maximum fee increase results in a new base maximum fee. As a result of the increase established by Section 400.11, the base maximum fee for cashing a check rose to 2.23% in 2020, and 2.27% in 2021.

In light of the prolonged adverse economic impact on New York consumers, particularly those that utilize the services of check cashing industry, the Department of Financial Services (the “Department”) is concerned with the adequacy of the process established by Section 400.11 and whether the fixed methodology established several years ago adequately considers other factors that need to be taken into account to protect the public interest. For example, the Department is concerned as to whether CPI is an appropriate basis to increase the maximum check cashing fee on an annual basis. CPI is a broad regional measure of the cost of living for a variety of consumers based on changes in prices of a host of consumer goods and services, such as food, energy, transportation, and medical care. It is a measure of the prices that consumers pay to buy goods and services for their day-to-day living. This is not necessarily a reliable or accurate indicator of the costs of operating a business generally, or a check cashing business, specifically, particularly as unexpected events, such as a prolonged pandemic, could have significant adverse impact on the financial health of the users of check cashing services. In fact, Section 400.11 essentially treats check cashers as urban consumers, granting annual fee increases without taking into account that, for example, an increase in CPI means that the purchasing power of the consumer declines.

Focusing solely on CPI ignores other, more relevant factors relating to costs of a check casher, and entirely ignores the associated impact of CPI increases on consumers. Among other things, solely relying on CPI ignores actual business expenses, other additional streams of income that many check cashers generate, such as cashing commercial checks that are not subject to statutory fee limits, or because they use their business as a platform to offer additional services, and their business practices. Moreover, it discounts the potential that CPI increases may beneficially impact check cashing fees, and does not consider whether the increase in fees, along with the rising costs of other goods and services, has an undue and unfair impact on consumers. For example, if wages increase with inflation, the face value of the checks being cashed increases as well. Larger checks generate higher fees for check cashers, and an annual fee increase, in essence, would result in the maximum check cashing fee increasing twice. Conversely, if wages are stagnant, automatic increases in check cashing fees mean that consumers are being hit with price increases and an increase in the cost of cashing checks.

All of this indicates that the calculation of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Section 400.11 appears to be inadequate. Therefore, while the Department assesses the methodology used to set the maximum fee for cashing a check, there will be no increase in the maximum check cashing fee for 2022. Accordingly, until a permanent regulation is adopted codifying a new methodology, this emergency regulation will maintain the status quo by setting the base maximum rate set forth in subdivision (a) of Section 400.11 at last year’s rate of 2.27%, and subdivision (b) shall provide that the annual maximum fee calculation will resume in 2023 based on a new methodology to be established pursuant to the permanent regulation.

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

5. Local Government Mandates: The regulations do not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

6. Paperwork:

This regulation creates no new paperwork requirements.

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

8. Alternatives: The Department of Financial Services weighed other alternatives, including allowing the existing fee increase mechanism provided by Section 400.11 to continue in effect. However, the Department concluded that no increase to the maximum check cashing fee appears necessary at the moment. The industry has received steady fee increases, including two fee increases in 2019 – a special fee increase as well as an increase based on CPI changes – and an increase during the height of the pandemic in 2021, while the communities check cashers generally serve have been struggling due to the impact of COVID-19. While the Department weighs how to more carefully balance the competing interests implicated by the maximum check cashing fee, the Department concluded keeping the fee steady this year is warranted.

9. Federal Standards: Federal law does not govern the maximum fee that check cashers may charge for cashing retail consumer checks.

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

Regulatory Flexibility Analysis

1. Effect of Rule: The amendment does not apply to any local government. The amendment does not impose any additional impacts on small businesses. Small businesses must continue to maintain the maximum fee that may be charged by licensed check cashers to cash checks for retail consumers for this year.

2. Compliance Requirements: The amendment does not change existing compliance requirements. Pursuant to Banking Law Section 372 and 3 NYCRR Section 400.11, the maximum fee that may be charged for cashing a check is already regulated by the Department of Financial Services (“Department”). The amendment maintains the maximum amount that may be charged this year while the Department assesses the methodology.

3. Professional Services: No regulated entity that is a small business should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance Costs: No additional compliance costs are expected as a result of the amendment.

5. Economic and Technological Feasibility: No additional economic or technological burden on regulated entities that are small businesses are expected.

6. Minimizing Adverse Impacts: No adverse impacts are expected.

7. Small Business and Local Government Participation: Regulated entities that are small businesses will have an opportunity to participate in the rulemaking process at two future stages. First, the Department will conduct a small business outreach by posting a draft permanent regulation on its website before filing a proposal. Second, when the amendment is proposed as a permanent change to the regulation, regulated entities will have an opportunity to make public comments at that time. The proposal will be published in the State Register and posted again on the Department’s website.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas: There are entities regulated by the New York State Department of Financial Services located in all areas of the State, including rural areas. However, amendments are not expected to impose any additional costs on regulated entities. Rather, the amendments hold the maximum fee that may be charged for cashing retail consumer checks steady while the Department of Financial Services assess the best mechanism for establishing the maximum check cashing fee.

2. Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services: The amendment does not create any new reporting, recordkeeping or other compliance requirements. No entity subject to the regulation should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: The amendment will not increase costs for regulated entities.

4. Minimizing Adverse Impact: The regulation maintains the current maximum fee that may be charged for cashing retail checks while the Department assesses the process for setting the fee.

5. Rural Area Participation: Regulated entities in rural areas will have an opportunity to participate in the rulemaking process when the amendment is proposed as a permanent change to the regulation, published in the State Register and posted on the Department’s website. Regulated entities will have an opportunity to make public comments at that time.

Job Impact Statement

This emergency regulation maintains the status quo in terms of the maximum fees that check cashers may charge consumers. The calculation

of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Part 400.11 appears to be inadequate. Therefore, while the Department assesses the methodology used to set the maximum fee for cashing a check, there will be no increase in the maximum check cashing fee for 2022.

This amendment should not adversely impact jobs or employment opportunities in New York State. In reaching this conclusion, the Department notes that many check cashers have other sources of revenue, including commercial check cashing, for which there is no limit on the fees that check cashers may charge, and income related sources of business, including agency agreements with money transmitters. The income generated by check cashers over the last several years has been sufficient to support substantial salaries and expenses for high level employees of check cashers. Moreover, many licensed check cashers offer discounted fees to certain customers and employees while charging the maximum fee to others, resulting in a tiered pricing scheme that raises additional questions about the need to continuously raise the maximum check cashing fee. For these reasons, a delay in the calculation of an inflation adjustment for the maximum fee should not unduly affect the businesses of check cashers.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

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

I.D. No. DFS-09-22-00018-P

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

Proposed Action: Amendment of Part 52 (Regulation 62) of Title 11 NYCRR.

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

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

Purpose: To provide additional minimum standards for the content of health insurance identification cards in accordance with Federal law.

Text of proposed rule: Section 52.69(a) is amended as follows:

(a) Every issuer shall provide a health insurance identification card to the primary insured and to each dependent of the primary insured who is 18 years of age or older within 30 days of the effective date of the insured's or dependent's coverage, or if the insured or dependent is enrolled retroactively, within 30 days of the retroactive enrollment, under an accident and health insurance policy that provides coverage for comprehensive hospital, surgical and medical care, except coverage that is provided by this State to its employees or retirees or by governmental programs administered by the Commissioner of Health, including Medicaid, Children's Health Insurance Program, and Essential Plan. The health insurance identification card shall, at a minimum, contain the following information:

- (1) the primary insured's name and identification number;
- (2) each insured dependent's name and, if applicable, identification number, which shall appear either on the primary insured's identification card or on a separate card issued to the dependent;
- (3) the full legal name of the issuer providing the coverage or the name under which the issuer is authorized to do business;
- (4) a phrase that reads as follows: "fully insured coverage";
- (5) the plan name;
- (6) the coverage type, which shall be identified as point-of-service (POS), health maintenance organization (HMO), exclusive provider organization (EPO), preferred provider organization (PPO), or fee-for-service;
- (7) the name of the issuer's health care provider network or networks for the plan, if applicable;
- (8) the name of the plan's formulary, if applicable;
- (9) the phone number or numbers at which the insured or health care provider may readily obtain the following:
 - (i) member services assistance;
 - (ii) confirmation of eligibility or verification of benefits; and
 - (iii) prior authorization for health care services, if applicable;
- (10) the internet website address of the issuer; [and]
- (11) copayment or coinsurance information applicable to participating providers for the following services:
 - (i) primary care office visits;
 - (ii) specialist office visits;
 - (iii) urgent care;
 - (iv) emergency room visits; and
 - (v) prescription drugs for a 30-day supply at a retail pharmacy, if applicable[.];

(12) the annual or plan year deductible amount for participating providers, if applicable; and

(13) the plan's annual maximum out-of-pocket amount.

Text of proposed rule and any required statements and analyses may be obtained from: Robin Wheeler Feane, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 402-5772, email: Robin.WheelerFeane@dfs.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority: Financial Services Law ("FSL") sections 202, 301, and 302 and Insurance Law ("IL") sections 301 and 3217, and the federal No Surprises Act (the "Federal Act").

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

FSL sections 301 and 302 and IL section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the IL and to effectuate any power granted to the Superintendent in the IL, FSL, or any other law.

IL section 3217 authorizes the Superintendent to issue regulations to establish minimum standards, including standards for full and fair disclosure, for the form, content and sale of accident and health insurance policies and subscriber contracts of issuers or corporations organized under IL Articles 32 and 43 and Public Health Law Article 44.

The Federal Act, in pertinent part, requires certain information to be included on physical or electronic health insurance identification cards that are issued to insureds. It requires such cards to include any applicable annual deductible, any annual maximum out-of-pocket amount, and the telephone number and internet website address through which insureds may seek consumer assistance information, such as information related to hospitals and urgent care facilities.

2. Legislative objectives: To require issuers to include certain information on physical or electronic health insurance identification cards that are issued to insureds, such as any annual applicable deductible and any maximum out-of-pocket amount.

3. Needs and benefits: This amendment aligns with the public policy of New York and implements the legislative objectives set forth in the IL and the Federal Act by providing additional minimum standards for the content of health insurance identification cards. Disclosure of the annual or plan year deductible for participating providers and the annual maximum out-of-pocket amount will provide the insured and the insured's health care provider with more information relating to an insured's health plan in an easily accessible manner.

The relevant provisions of the Federal Act take effect for plan years beginning on or after January 1, 2022 and issuers are responsible for complying with the provisions regardless of whether the Department of Financial Services ("Department") has adopted this amendment by January 1.

4. Costs: Issuers may incur compliance costs if their current health insurance identification cards do not already include the information required by this amendment, because they will need to issue new cards to insureds. However, any additional costs are a result of the Federal Act and not this amendment because this amendment implements the Federal Act.

This amendment does not impose any compliance costs on state or local governments or health care providers.

5. Local government mandates: This amendment does not impose any program, service, duty or responsibility upon a county, city, town, village, school district, fire district, or other special district.

6. Paperwork: This amendment may require an issuer to print and distribute new health insurance identification cards. However, this is a result of the Federal Act and not this amendment. This amendment does not impose any new reporting requirements, including forms or other paperwork.

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

8. Alternatives: Section 52.69 of 11 NYCRR 52 (Insurance Regulation 62) already requires health insurance identification cards to include a phone number or numbers at which an insured or health care provider may readily obtain member assistance services, confirmation of eligibility or verification of benefits, and prior authorization for health care services, as well as the issuer's internet website address. The Federal Act imposes additional requirements, including requiring such cards to contain a telephone number and internet website address through which insureds may seek consumer assistance information, such as information related to hospitals and urgent care facilities. The Department considered whether it should require the identification card to include an additional telephone

number or issuer website address. However, the Department determined that the telephone numbers and website address already required under Section 52.69 would satisfy the requirements of the Federal Act. Additionally, an issuer may disclose one telephone number and one website address on such cards to satisfy all the requirements set forth above if such number provides insureds with consumer assistance, member assistance services, confirmation of eligibility or verification of benefits, and prior authorization for health care services.

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

10. Compliance schedule: Issuers will need to comply with the amendment 30 days after the publication of the notice of adoption in the State Register. In addition, issuers will need to comply with the requirements of the Federal Act for policies and contracts issued, renewed, modified, or amended on or after January 1, 2022, regardless of the effective date of this amendment.

Regulatory Flexibility Analysis

1. Effect of rule: This amendment to the regulation applies to insurers licensed to write accident and health insurance in New York State, corporations organized pursuant to Insurance Law Article 43, municipal cooperative health benefit plans certified pursuant to Insurance Law Article 47, health maintenance organizations certified pursuant to Public Health Law Article 44, and student health plans certified pursuant to Insurance Law Section 1124 (collectively, “issuers”). Although most issuers do not come within the definition of “small business” as defined in State Administrative Procedure Act (“SAPA”) Section 102(8) because they generally are not both independently owned and have fewer than 100 employees, industry has asserted previously that certain issuers, in particular mutual insurers, subject to the regulation are small businesses but has not provided the Department of Financial Services (“Department”) with specific insurers or the number of such entities. The amendment does not apply to local governments.

2. Compliance requirements: Any issuer that is a small business affected by this amendment will be required to include the annual or plan year deductible amount for participating providers, if applicable, and the annual maximum out-of-pocket amount on the health insurance identification cards that it provides to insureds. However, this is a result of the Federal Act and not this amendment.

No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with the amendment.

3. Professional services: An issuer that is a small business affected by this amendment will not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

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

An issuer that is a small business may incur compliance costs if it needs to print and distribute new health insurance identification cards to include the information required by this amendment and the Federal Act. However, any additional compliance costs incurred are a result of the Federal Act and not this amendment because the amendment implements the Federal Act.

5. Economic and technological feasibility: No issuer that is a small business affected by this amendment should experience any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on an issuer that is a small business because the amendment uniformly affects all issuers. However, to the extent there is an adverse impact on an issuer that is a small business, it is a result of the Federal Act and not this amendment because this amendment implements the Federal Act.

7. Small business and local government participation: The Department complied with SAPA Section 202-b(6) by notifying representatives of issuers that are small businesses that it intended to promulgate this amendment. The Department also posted the regulation on its website for comment by interested parties, such as issuers that are small businesses, and the public. Issuers that are small businesses also will have an opportunity to participate in the rulemaking process again when the amendment is published in the State Register and posted on the Department’s website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Insurers licensed to write accident and health insurance in New York State, corporations organized pursuant to Insurance Law Article 43, municipal cooperative health benefit plans certified pursuant to Insurance Law Article 47, health maintenance organizations certified pursuant to Public Health Law Article 44, and student health plans certified pursuant to Insurance Law Section 1124 (collectively, “issuers”) affected by this amendment operate in every

county in New York State, including rural areas as defined by State Administrative Procedure Act Section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: This amendment does not impose any new reporting, recordkeeping, or other compliance requirements, other than those that are a result of the federal No Surprises Act, on regulated entities. Regulated parties may be required to include additional information on their health insurance identification cards.

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

3. Costs: Issuers may incur compliance costs if their current health insurance identification cards do not already include the information required by this amendment, because they will need to issue new identification cards to insureds. However, any additional costs are a result of the Federal Act and not this amendment because this amendment implements the Federal Act.

This amendment does not impose any compliance costs on state or local governments or health care providers.

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

5. Rural area participation: The Department of Financial Services (“Department”) notified trade associations representing issuers that are in rural areas that it intended to promulgate this amendment. Issuers in rural areas will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department’s website.

Job Impact Statement

The Department of Financial Services finds that this amendment to 11 NYCRR 52 will not adversely impact jobs or employment opportunities in this state. The amendment merely implements the federal No Surprises Act by setting forth additional minimum standards for the content of health insurance identification cards, including disclosure of the annual or plan year deductible for participating providers and the annual maximum out-of-pocket amount.

Office of Mental Health

EMERGENCY RULE MAKING

Covid-19 Masking Program

I.D. No. OMH-33-21-00005-E

Filing No. 102

Filing Date: 2022-02-14

Effective Date: 2022-02-14

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

Action taken: Addition of Part 556 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 rule 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, many of whom reside in New York’s facilities, it is imperative that these facilities facilitate the appropriate masking 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 Masking Program.

Purpose: To implement Covid-19 Mask Program.

Text of emergency rule: A new Part 556 titled COVID-19 Mask Requirement, is added to read as follows:

556.1 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.

556.2 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.

556.3 Applicability.

(a) This Part applies to:

(1) any provider of services which operates or proposes to operate a facility, or a residential program licensed, certified, designated or funded by the Office of Mental Health,

(2) hospitals, facilities, corrections-based programs, and residential programs operated by the Office of Mental Health.

556.4 Definitions pertaining to this Part.

(a) Facility shall mean:

(1) a Hospital as defined hereinafter,

(2) a provider of services which operates or proposes to operate a congregate residential program licensed, certified, or funded by the Office of Mental Health, or

(3) an out-patient program licensed, certified, designated or funded by the Office of Mental Health.

(b) Hospital shall mean a hospital named in Mental Hygiene Law section 7.17(b), or operated pursuant to Parts 580, 582, or 590 of this Title, and any provider of services co-located within such hospital campus.

(c) Staff shall mean all persons employed or affiliated with a Facility, whether paid or unpaid, including but not limited to employees, corrections-based staff, members of the medical, nursing, and other treatment staff, contract staff, students, and volunteers, who engage in activities such that if they were infected with COVID-19 they could potentially expose patients to the disease.

556.5 Requirements for all facilities.

(a) Effective immediately, all Programs shall have policies and procedures in place to ensure all staff, visitors and individuals receiving services regardless of vaccination status wear appropriate masks, consistent with any infection control guidance issued by this Office.

(b) As determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread, all Hospital and Facility staff, contractors, vendors, visitors, patients, residents, clients, and all other individuals who enter the indoor premises of such Hospital or Facility, must wear masks at all times regardless of vaccination status, except when alone in an office or room, or actively eating or drinking.

(c) For purposes of this section face-coverings shall include, but are not limited to, cloth masks, surgical masks, and N-95 respirators that are worn to completely cover a person's nose and mouth.

(d) Face coverings are not required to be worn by:

(1) Children under two years of age,

(2) A person with a disability who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability, or

(3) A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by an Occupational Health and Safety Administration workplace risk assessment.

556.6 Enforcement.

(a) The Office will enforce the provisions of this Part pursuant to its oversight authority in Mental Hygiene Law Articles 7 and 31.

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-33-21-00005-P, Issue of August 18, 2021. The emergency rule will expire April 14, 2022.

Text of rule and any required statements and analyses may be obtained from: Sara Paupini, Esq., Office of Mental Health, 44 Holland Avenue, Albany, New York 12229, (518) 474-1331, email: regs@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 mask 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 the residents of New York's mental health facilities by providing safe, effective, and adequate care.

(3) Needs and Benefits:

These regulations are necessary to prevent the spread of COVID-19 in facilities licensed, certified, funded and operated by the Office of Mental Health and to help ensure the health and life of residents of these facilities. This requirement will help reduce the spread of COVID-19 and ensure residents are less likely to suffer a COVID-related death or severe illness.

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 facilities, it is imperative that all steps are taken, including wearing masks, to prevent the spread of the disease.

Based on the foregoing, the Office has made the determination that this emergency regulation is necessary to best protect the residents of the Office of Mental Health's licensed and operated facilities.

(4) Costs:

(a) Costs to Regulated Parties:

The purpose of this regulation is to require licensed and operated OMH facilities to promptly coordinate the COVID-19 masking of their residents and personnel. Costs are expected to be minimal.

(b) Costs to Local and State Governments:

This regulation will not have a significant impact on local or State governments unless they operate an OMH licensed facility or hospital in which case costs will be the same as costs for private entities. There may be limited additional agency costs for administrative oversight.

5. Local Government Mandates: Hospitals and residences operated by local governments will be affected and will be subject to the same requirements as any other hospital licensed under Article 31.

6. Paperwork: This regulation imposes no additional paperwork.

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 licensed, certified, funded and operated facilities and hospitals adequately ensure appropriate masking is occurring to prevent the spread of 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 residents as a result of a COVID-19 outbreak outweighed the risk of rejecting such a 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 Revised Rulemaking in the State Register.

Regulatory Flexibility Analysis

Effect of Rule:

There are approximately 35 county operated mental health clinics. Including all OMH funded ambulatory and residential providers, there are over 100 such providers. This regulation will not impact local governments or small businesses unless they operate a facility licensed by this Office.

Compliance Requirements:

This regulation primarily requires facilities and hospitals to promptly coordinate the masking of all individuals and personnel entering such facilities or hospitals during designated periods of COVID prevalence.

Professional Services:

No professional services are required by this regulation.

Compliance Costs:

This regulation requires OMH licensed and operated facilities and hospitals to promptly coordinate the masking of their residents and personnel. Costs are expected to be minimal given the current prevalence of masking.

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 facilities and 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 residents and staff.

Small Business and Local Government Participation:

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 Department.

Rural Area Flexibility Analysis

Type and Estimated Numbers of Rural Areas:

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

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

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

Costs:

Costs are expected to be minimal given the prevalence of masking in health facilities.

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 facilities 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 residents and staff.

Rural Area Participation:

Given the seriousness of the COVID-19 virus particularly in congregate care settings and the need for services to be provided in person where appropriate, facilities 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

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

Assessment of Public Comment

The agency received no public comment.

EMERGENCY RULE MAKING

Telehealth Expansion

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

Filing No. 100

Filing Date: 2022-02-11

Effective Date: 2022-02-11

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

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

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

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

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

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

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

Subject: Telehealth Expansion.

Purpose: To establish regulations regarding the expansion of telehealth.

Substance of emergency rule (Full text is posted at the following State website: https://omh.ny.gov/omhweb/policy_and_regulations/): The Office of Mental Health (Office) proposes updating the regulations pertaining to telehealth, as set forth in Part 596 of title 14 of the NYCRR to conform with recent statutory changes provided by Chapter 124 of the Laws of 2020. In addition to technical amendments, the proposed amendments make the following changes:

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

face-to-face contacts when the service is delivered in accordance with the provisions of the plan approved by the Office pursuant to section 596.5 of this Part.

This notice is intended to serve 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-48-21-00003-EP, Issue of December 1, 2021. The emergency rule will expire April 11, 2022.

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

Regulatory Impact Statement

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

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

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

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

4. Costs:

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

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

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

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

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

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

8. Alternatives: It was determined that should the Office consider not moving forward with the proposed rule, it would have a detrimental effect on behavioral health care delivery. The field has consistently expressed support for the increase flexibility previously authorized during the public health emergency, and the ability to serve their populations fully during this period. They have also expressed concern about continuity of care and delivering necessary services should such flexibility be terminated. The proposed amendment intends to increase flexibility for providers wishing

to deliver telehealth services and conforms regulations to recent amendments to Section 2999-cc of the Public Health Law.

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

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

Regulatory Flexibility Analysis

Effect of Rule:

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

Compliance Requirements:

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

Professional Services:

No professional services are required by this regulation.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Small Business and Local Government Participation:

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

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

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

Costs:

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

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Rural Area Participation:

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

Job Impact Statement

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

Assessment of Public Comment

Following the adoption of the emergency regulation amending Part 596, on November 15, 2022, the Office of Mental Health (OMH) received public comment. The majority of this feedback came from the provider community. OMH reviewed the comments and after careful consideration is anticipating minor revisions to the regulation.

Comment: A commenter recommended amending the regulation to include a requirement that the continued use of telehealth services be evaluated on a regular basis, preferably by a different professional than the person delivering the services, to determine whether in person services are preferred by the recipient or would be more effective.

Response: The Office considered the comment and no amendment is required. The rule as written requires the clinician to utilize telehealth ser-

vices only where appropriate based upon their clinical judgment, which is an ongoing process. The Office will clarify further in guidance.

Comment: A commentor recommended amending the regulation to include a requirement that Informed Consent be defined as requiring that the recipient be regularly advised of the right to switch to or back to in person services on a regular basis and that such periodic reminders are documented in the clinical record.

Response: The Office considered the comment and no amendment is required. The rule as written permits the individual to withdraw consent at any time and requires the clinician to utilize telehealth services only where appropriate based upon their clinical judgment. The Office will clarify further in guidance.

Comment: A commentor recommended amending the definition of a practitioner pursuant to 596.4(ii) to state staff authorized by OMH to provide "in-person services which are otherwise authorized to be provided via telehealth and which are within the scope of practice of such staff person and the guidelines established by the Office."

Response: The Office is reviewing the comment and will consider addressing in the rule or guidance as appropriate.

Comment: A commentor requested the regulation clarify the designation or approval process and to include the allowance of out of state licensed professionals to provide telehealth services.

Response: The Office has reviewed the comment and will address such concerns in Guidance. Additionally, current licensure laws specify who is authorized to practice in New York State.

Comment: Under 596.4 Definitions (e), can the phrase "and or collateral" be inserted? (e) Originating or "spoke" site means a site where the recipient [and or collateral] is physically located at the time mental health services are delivered...

Response: The Office is reviewing this comment for further rule promulgations.

Comment: A commentor recommended that amendments and guidance be developed which clarifies that informed consent allows the recipient to make the active choice between services provided in-person and via telehealth and recommends strengthening the requirement that providers proactively inform recipients about the in-person vs. Telehealth options.

Response: The Office determined that an amendment was not required and that additional clarification can be provided through guidance.

Comment: A Commentor recommended amendments to 596.1 (b) and (d) to align the rule with Mental Health Law § 33.21) which authorizes minors to consent to various mental health services.

Response: The Office is reviewing this comment for further rule promulgations.

Comment: A commentor noted that individuals with mental health and substance use disorders are over-represented in the criminal justice system and recommended the state ensure that telehealth services for behavioral and mental health treatment and services are equitably accessible to persons with mental health and substance use disorders who are incarcerated in New York's prisons and jails, where regulated by NYS agencies.

Response: The Office appreciates this comment and will address in guidance where appropriate.

Comment: A commentor expressed concern for the removal of the initial in-person assessment required to determine clinical appropriateness of telehealth delivery for a patient's mental health services.

Response: The Office considered the comment, and no amendment is needed. Clinical appropriateness will be addressed in the guidance.

Comment: A commentor recommended that the Office's guidance for providers making determinations of telehealth appropriateness align with existing standards of care, which recognize the most appropriate clinical approach will differ based on disease state.

Response: The Office agrees with the comment and will address more fully in guidance.

Comment: A commentor expressed concern that the proposed rule should clarify that telehealth services are a component of mental health delivery, but should not supplant in-person care and recommends the addition of language that recognizes that for some conditions, periodic, in-person encounters are necessary to promote quality patient care.

Response: The amendment is not necessary as the rule currently addresses the use of telehealth as a component of mental health delivery where appropriate. The Office will address further in guidance.

Comment: A commentor recommended the restoration of ACT specific language to the rule until there is data which evaluates the impacts of telehealth service delivery on ACT program participants.

Response: The Office is reviewing this comment for further rule promulgations.

Department of Motor Vehicles

NOTICE OF ADOPTION

Special Requirements for For-Hire Motor Carriers

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

Filing No. 98

Filing Date: 2022-02-10

Effective Date: 2022-03-02

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

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

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

Subject: Special requirements for for-hire motor carriers.

Purpose: Necessary to implement statute (L. 2020, ch. 2).

Text or summary was published in the December 1, 2021 issue of the Register, I.D. No. MTV-48-21-00014-P.

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

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

Signs for School Bus Photo Violation Monitoring System

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

Filing No. 99

Filing Date: 2022-02-10

Effective Date: 2022-03-02

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

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

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

Subject: Signs for school bus photo violation monitoring system.

Purpose: Conforms regulation with statute.

Text or summary was published in the December 1, 2021 issue of the Register, I.D. No. MTV-48-21-00015-P.

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

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Passenger and Commercial Registrations

I.D. No. MTV-09-22-00017-P

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

Proposed Action: Amendment of section 106.6 of Title 15 NYCRR.

Statutory authority: Vehicle and Traffic Law, sections 215(a), 401(7) and (15)

Subject: Passenger and commercial registrations.

Purpose: Allows a passenger class registration for non-commercially used pickup trucks by removing the truck weight limitation.

Text of proposed rule: Section 106.6 is amended to read as follows:

A truck with a cargo bed and side walls, regardless of seating capacity within the cab.

[(a)] A pickup truck will receive a commercial registration except [as provided in subdivisions (b) and (c) of this section.

(b) A] a pickup truck which is used exclusively for non-commercial purposes [with an unladen weight of 6,000 pounds or less,] and with no business advertising may receive a passenger registration, at the registrant's option. This subdivision shall also apply to pickup trucks [weighing 6,000 pounds or less] that are leased and rented, provided that the lessee or renter of the pickup truck certifies on a form, provided by the leasing or rental company, that the pickup truck shall be used exclusively for non-commercial purposes. No rental or leasing company shall permit the renting or leasing of a pickup truck if the renter or lessee fails to complete the certification required by this subdivision or if such company knows or has reason to know that the renter or lessee is operating a pickup truck for commercial purposes.

[(c) A pickup truck which is used exclusively for non-commercial purposes with an unladen weight over 5,000 pounds, with no business advertising, with the bed completely enclosed by a camper top, with at least one side window in the camper top, and with seats, seat fittings or camping equipment mounted in the bed, may receive a passenger registration, at the registrant's option. These modifications must be permanent. Camping equipment means that a bed, stove or refrigerator must always be in the vehicle. Any use of the truck without these modifications requires the vehicle to be registered as a commercial vehicle.]

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

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

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

Regulatory Impact Statement

1. Statutory authority: Vehicle and Traffic Law section 215(a) provides that the Commissioner of Motor Vehicles may enact rules and regulations that regulate and control the exercise of the powers of the Department. Vehicle and Traffic Law section 401(7) provides the registration fee schedule for vehicles "constructed or specially equipped for the transportation of goods, wares and merchandise, commonly known as auto trucks..." Section 401(15) specifically authorizes the Commissioner of Motor Vehicles to promulgate regulations "...for the proper enforcement of the provisions of this section with respect to the registration of auto trucks..." Pickup trucks are considered auto trucks for purposes of registration.

2. Legislative objectives: The proposal is consistent with the legislative objectives underlying the registration requirements for motor vehicles: to identify vehicles as belonging to a particular class, to insure that appropriate fees are paid and, indirectly, to authorize or prohibit the use of particular roadways by particular types of vehicles.

3. Needs and benefits: In 2000, the Department adopted amendments to Section 106.6 to provide:

A pickup truck which is used exclusively for non-commercial purposes with an unladen weight of five thousand pounds or less, and with no business advertising may receive a passenger registration, at the registrant's option.

In 2000, the Department explained in its Regulatory Impact Statement that sales of light duty trucks, including pickup trucks, had increased substantially. More and more, pickup trucks were being sold to customers who intended to use them for daily transportation and other personal uses, rather than in connection with a commercial enterprise. Despite that, DMV regulations and procedures required that "unmodified" pickups be issued commercial class license plates. As a result, such vehicles were prohibited from using many of the State's parkways and other roadways, on which the regulating jurisdictions prohibit the use of "commercial" vehicles. While those jurisdictions are not required to use a vehicle's registration classification as the sole or primary determinant of a vehicle's status under their particular regulations, they often do.

In fact, particularly given the trend in the vehicle population toward SUV's and "modified" pickup trucks, which are issued passenger registrations, the unmodified pickup is not substantially different in terms of

construction, size or usage than other vehicles which are permitted to use these roadways under current regulations of the responsible jurisdictions.

Section 401(7) has been relied upon by DMV to mandate issuance of commercial plates for pickups. While this statute would still require the payment of the Section 401(7) commercial fee for unmodified pickups, which are constructed to transport "goods, wares and merchandise," it does not mandate the issuance of any particular license plate, which rests with the Commissioner's regulatory authority under Section 401(15).

Since the adoption of the regulation in 2000, the Department received numerous requests from citizens encouraging DMV to raise the threshold for registering pickups with passenger plates. These citizens primarily argue that since many SUV's weigh more than 5,000 pounds and operate freely on the parkways, pickup trucks, which are not significantly different in size and weight than many SUV's, should also be allowed to operate on parkways. The Department found this argument persuasive in 2004 and following the SAPA process for amending regulations, raised the weight limit for pickups registered as passenger vehicles to 5,500 pounds. This applied to all pickups, including leased and rented vehicles, as well as those purchased outright by the consumer.

The weight limit set forth in the regulations was raised again in 2015 to 6,000 pounds, following notice and comment of the proposed changes. Members of the State Legislature and the New York State Automobile Dealers Association (NYSADA) had asked the DMV to consider raising the weight threshold for the registration of pickup trucks in the passenger class, particularly due to the changing configurations and weights of both pickup trucks and passenger vehicles.

At that time, NYSADA pointed out that certain pickup trucks exceeded the 5,500 pound threshold by simply adding options. NYSADA also pointed out that sport utility vehicles that weigh more than 5,500 pounds were registered as passenger vehicles and may operate on our State's parkways. As such, in 2015, the weight threshold was increased from 5,500 to 6,000 pounds for the registration of pickup trucks in the commercial class.

Recently, electric vehicles, including electric-powered pickup trucks, are booming in popularity. Largely due to the weight of the battery, electric-powered pickup trucks may exceed the current weight thresholds. An electric-powered pickup truck typically weighs much more than a gas-powered pickup truck of similar size. Electric vehicle auto makers who produce electric-powered pickup trucks for the consumer market, as well as auto makers who may be introducing gas and diesel models over the weight limit, have asked DMV to revisit the weight limit. Such vehicles are functionally the same as sport utility vehicles that weigh over 6,000 pounds and receive passenger plates. DMV now proposes to remove the weight limit. Removing the weight limit will benefit consumers who purchase such vehicles and wish to operate them on our State's parkways.

Similarly, with removal of the 6,000 weight limit in Section 106.6(b), the exception from commercial registrations for pickup trucks modified to camper pickup trucks with an unladen weight of more than 5,000 pounds and used exclusively for non-commercial purposes with no business advertising, as set forth in Section 106.6(c), is no longer necessary and should be deleted.

4. Costs: There are no costs to consumers, state agencies or local governments. As indicated, the fee for registration for unmodified pickups will continue to be imposed under Section 401(7) of the VTL, and is not, therefore, impacted by the proposal.

5. Local government mandates: The proposal does not impose any mandates on local governments.

6. Paperwork: The proposal does not impose any additional paper requirements on the Department.

7. Duplication: This proposal does not duplicate, overlap or conflict with any relevant rule or legal requirement of the State and federal governments.

8. Alternatives: Additional outreach on this regulation was done to agencies, authorities and localities that operate parkways, including the City of New York, as well as the State's auto dealer associations. No objections were received. An earlier suggestion was to subtract the weight of the battery from the overall weight of the vehicle when applying the 6,000-pound weight limit, but this would have posed substantial administrative obstacles upon DMV's registration system and would fail to address functionally equivalent pickups powered by gasoline or diesel fuel. DMV also considered no regulatory amendment, but such an approach would unduly diminish the usability of pickup trucks in parts of the State that offer parkways as important routes for commuting and pleasure travel.

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

10. Compliance schedule: The Department will be able to achieve compliance with the proposed amendment as soon as it is adopted.

Regulatory Flexibility Analysis

This rulemaking amends 15 NYCRR Section 106.6 to allow for passenger class registrations for non-commercially used pickup trucks by removing

the truck weight limitation. A RFA is not attached because this rule will not have a disproportionate impact on small businesses or local governments, nor will it impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

The Department of Motor Vehicles finds that this rule making, which amends 15 NYCRR Section 106.6 to permit passenger class registrations for non-commercially used pickup trucks by removing the 6,000 pound weight limit and by removing as obsolete the camper pickup truck exception to the commercial registration requirement, will not impose any additional burdens on entities located in rural areas, and will not have an adverse impact on rural areas because it applies uniformly to all pickup trucks in both rural and non-rural areas of New York State.

Job Impact Statement

The Department of Motor Vehicles finds that this rule making should not adversely impact job or employment opportunities in New York. This rulemaking amends 15 NYCRR Section 106.6(b) to remove the 6,000 pound weight limit on pickup trucks eligible for passenger registration and amends 15 NYCRR Section 106.6(c) to remove as obsolete the camper pickup trucks exception to the commercial registration requirement.

The Department has no reason to believe that the rulemaking will result in adverse impact on job or employment, including self-employment, opportunities in New York.

Office for People with Developmental Disabilities

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Administrative Compensation

I.D. No. PDD-09-22-00005-P

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

Proposed Action: This is a consensus rulemaking to repeal Part 645 of Title 14 NYCRR.

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

Subject: Administrative Compensation.

Purpose: To repeal Part 645 as Executive Order 38 has sunset.

Text of proposed rule: Existing Part 645 is repealed and the section is reserved.

Text of proposed 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 12209, (518) 474-7700, email: rau.unit@opwdd.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.

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.

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

Consensus Rule Making Determination

OPWDD is repealing Title 14 NYCRR part 645 as executive order 38 is not being extended. This correction is necessary to comply with state law.

OPWDD has determined that due to the nature and purpose of the amendment, no person is likely to object to the rule as written.

Job Impact Statement

A Job Impact Statement for the repeal of Part 645 is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs and/or employment opportunities.

This regulation repeals Title 14 NYCRR Part 645 which is required under Executive Order 38. As Executive Order 38 is not being continued

this part of the NYCRR is no longer necessary. Executive order 38 required limits on administrative costs and executive compensation for certain individuals or entities that receive state funds or state authorized payments. The repeal will not result in costs, including staffing costs, or new compliance requirements for providers and consequently, the repeal will not have a substantial impact on jobs or employment opportunities in New York State.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Assessment of the Need of the Project for the Provision of Safe and Adequate Service at Just and Reasonable Rates

I.D. No. PSC-09-22-00006-P

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

Proposed Action: The Commission is considering a report filed by KeySpan Gas East Corporation d/b/a National Grid requesting authority to recover costs related to the Southeast Suffolk Infrastructure Project — Phase 1, through a surcharge mechanism.

Statutory authority: Public Service Law, sections 5, 65 and 66

Subject: Assessment of the need of the project for the the provision of safe and adequate service at just and reasonable rates.

Purpose: To determine whether the project is necessary and whether the utility can begin cost recovery through a surcharge mechanism.

Substance of proposed rule: The Public Service Commission (Commission) is considering a report filed on February 8, 2022, by KeySpan Gas East Corporation d/b/a National Grid (National Grid), requesting authorization to recover costs related to the Southeast Suffolk Infrastructure Project — Phase 1 (Project).

The Project, located in the Town of Southampton, Suffolk County, New York, consists of approximately 8,500 feet 16-inch 350 pounds per square inch gauge (psig) transmission main, a 350 psig to 124 psig regulator station, and approximately 6,100 feet of 12-inch 124 psig distribution main. The gas main portions of the project went into service in September 2021 and the regulator station went into service in February 2022.

The Project is considered a “Long-Term Capital Capacity Project” and subject to additional review pursuant to the Commission’s Order Approving Joint Proposal, as Modified, and Imposing Additional Requirements (Rate Order) issued in Cases 19-G-0309 and 19-G-0310 on August 12, 2021. The Rate Order and underlying Joint Proposal identified certain capital projects, including the Project and did not provide cost recovery for those projects in base rates. The Rate Order provided that National Grid could seek to recover costs associated with the Project through a surcharge mechanism. To do so, the Commission required that National Grid provide an initial filing providing the basis for a finding by the Commission that (1) the Project is needed to meet a reasonable forecast of peak customer demand; i.e., during the coldest day of the year, and (2) National Grid is meeting Capacity Demand Metrics — identified in the Rate Order — designed to ensure that National Grid is acting to reduce or otherwise meet customer demand through non-infrastructure projects, such as customer electrification referrals, energy efficiency measures, demand response efforts, and non-pipe alternatives. The Rate Order also specifies that an independent consultant would conduct an assessment of the identified need and submit a report of its findings in Cases 19-G-0309 and 19-G-0310. Following that, the Rate Order specifies that the Commission would issue a final decision regarding whether to approve the cost of recovery for the Project pursuant to the surcharge.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(19-G-0310SP2)

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

Green Gas Products

I.D. No. PSC-09-22-00007-P

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

Proposed Action: The Commission is considering a petition filed by Viridian Energy PA, LLC seeking an extension of the limited one-year waiver provided in the Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services.

Statutory authority: Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

Subject: Green gas products.

Purpose: To consider whether to extend the waiver permitting Viridian Energy PA, LLC to serve existing customers on a green gas product.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on February 2, 2022 by Viridian Energy PA, LLC (Viridian) seeking an extension of the limited, one-year waiver granted by the Commission in its Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services, issued January 25, 2021 (January 2021 Order).

The January 2021 Order addressed several petitions filed by energy service companies (ESCOs) seeking authorization to offer a variety of “green gas” products to residential and small, non-residential customers. The January 2021 Order denied these requests for authorization and directed the ESCOs to develop options for green gas products and services as part of a collaborative process. Department of Public Service staff commenced that collaborative process on August 19, 2021, and met on December 9, 2021 to specifically discuss the development of “green gas” products that could potentially be offered to customers by ESCOs in the future. This collaborative process remains ongoing. The January 2021 Order also provided a limited, one-year waiver to ESCOs offering green gas products to the extent their existing customers use such products.

In its petition, Viridian asserts that it received the limited waiver provided in the January 2021 Order and has been serving customers under such a waiver since that time. Viridian claims that many customers desire environmentally conscious products and services that help to minimize or off-set their natural gas consumption and have specifically selected to continue receiving such products from Viridian. The petition requests that the Commission extend the waiver beyond the one-year term to permit Viridian to continue renewing customers currently receiving a green gas product. Viridian argues that an extension of the waiver is warranted because the collaborative process remains ongoing and resolution did not occur before the waiver expired. According to Viridian, the Commission’s justification for initially granting these limited waivers – avoiding customer disruptions if these products are ultimately approved for use – still exists. Viridian states that any extended waiver would continue to be limited to only those customers that were served on a green gas product prior to the adoption of rules limiting the types of products and services ESCO can offer.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-M-0127SP41)

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

Green Gas Products

I.D. No. PSC-09-22-00008-P

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

Proposed Action: The Commission is considering a petition filed by Just Energy New York Corp. seeking an extension of the limited one-year waiver provided in the Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services.

Statutory authority: Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

Subject: Green gas products.

Purpose: To consider whether to extend the waiver permitting Just Energy New York to serve existing customers on a green gas product.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on February 2, 2022 by Just Energy New York Corp. (Just Energy) seeking an extension of the limited, one-year waiver granted by the Commission in its Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services, issued January 25, 2021 (January 2021 Order).

The January 2021 Order addressed several petitions filed by energy service companies (ESCOs) seeking authorization to offer a variety of “green gas” products to residential and small, non-residential customers. The January 2021 Order denied these requests for authorization and directed the ESCOs to develop options for green gas products and services as part of a collaborative process. Department of Public Service staff commenced that collaborative process on August 19, 2021, and met on December 9, 2021 to specifically discuss the development of “green gas” products that could potentially be offered to customers by ESCOs in the future. This collaborative process remains ongoing. The January 2021 Order also provided a limited, one-year waiver to ESCOs offering green gas products to the extent their existing customers use such products.

In its petition, Just Energy asserts that it received the limited waiver provided in the January 2021 Order and has been serving customers under such a waiver since that time. Just Energy claims green gas products provide significant value to consumers and represent a competitive option for New York customers to advance the State’s clean and renewable energy goals. The petition requests that the Commission extend the waiver beyond the one-year term to permit Just Energy to continue renewing customers currently receiving a green gas product. Just Energy argues that an extension of the waiver is warranted because the collaborative process remains ongoing and resolution did not occur before the waiver expired. According to Just Energy, the Commission’s justification for initially granting these limited waivers – avoiding customer disruptions if these products are ultimately approved for use – still exists.

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

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

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

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.
(15-M-0127SP42)

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

Establishing an Alternative Recovery Mechanism for Certain Types of Fees

I.D. No. PSC-09-22-00009-P

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

Proposed Action: The Commission is considering a petition filed by National Grid to establish an alternative recovery mechanism for certain types of fees which will enable the Company to reflect these deferrals in its financial statements.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Establishing an alternative recovery mechanism for certain types of fees.

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

Substance of proposed rule: The Commission is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid (the Company) on February 7, 2022 which seeks to establish an alternative recovery mechanism that would align with Generally Accepted Accounting Principles (GAAP), consistent with the Commission-authorized regulatory mechanism in Con Edison's current electric and gas rate plans.

The Commission approved the Company's current rate plans in its Order Adopting Terms of Joint Proposal and Establishing Electric and Gas Rate Plans issued March 15, 2018 in Cases 17-E-0238 and 17-G-0239, and in its Order Adopting Terms of Joint Proposal, Establishing Rate Plans and Reporting Requirements issued January 20, 2022 in Cases 20-E-0380 and 20-G-0381 (collectively Rate Orders). The Rate Orders allow the Company to defer the financial impact of new legislation, rules or orders. The Company recently deferred for ratemaking purposes certain types of fees under this provision. However, due to certain timing differences, these regulatory accounting deferrals cannot be reflected in its financial statements under GAAP.

The Company has deferred, for regulatory purposes, unbilled late payment and related fees for the period March 2020 through December 2021. These fees, \$8.8 million for electric service and \$2.3 million for gas service, are part of the unanticipated financial impact that resulted from the State's necessary orders, issued to address the COVID-19 pandemic.

Under GAAP, the Company may only record the deferral on its income statement if the Company will be recovering it within 24 months from the end of the annual period in which it was recognized. In order to record the deferral on its financial statements, the Company must recover the deferral by the end of 2022. The Company proposes to establish a surcharge/surcredit recovery mechanism that permits full recovery/refund of any applicable deferred fees within GAAP's recording timeframe.

For the Rate Year 3 (April 1, 2020 through March 31, 2021) and the Bridge Period (April 1, 2021 through June 30, 2021) fee deferral, the Companies proposes to begin recovery in July 2022 and end in June 2023. For the second year (July 1, 2021 through June 30, 2022) of fee deferral, the Company proposes to begin recovery (as a surcharge) or return to customers (as a surcredit) in July 2023 and end in June 2024. For the third year (July 1, 2022 through June 30, 2023) fee deferral, the Company proposes to begin recovery or return to customers in July 2024 and end in June 2025. The Company states that they are open to alternative recovery/return periods that are within the GAAP requirements.

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

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

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

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

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

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

(20-E-0380SP2)

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

Green Gas Products

I.D. No. PSC-09-22-00010-P

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

Proposed Action: The Commission is considering a petition filed by Alpha Gas & Electric, LLC seeking an extension of the limited one-year waiver provided in the Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services.

Statutory authority: Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), 6(2), (3), (5) and (8)

Subject: Green gas products.

Purpose: To consider whether to extend the waiver permitting Alpha Gas & Electric to serve existing customers on a green gas product.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on February 2, 2022 by Alpha Gas & Electric, LLC (Alpha) seeking an extension of the limited, one-year waiver granted by the Commission in its Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services, issued January 25, 2021 (January 2021 Order).

The January 2021 Order addressed several petitions filed by energy service companies (ESCOs) seeking authorization to offer a variety of "green gas" products to residential and small, non-residential customers. The January 2021 Order denied these requests for authorization and directed the ESCOs to develop options for green gas products and services as part of a collaborative process. Department of Public Service staff commenced that collaborative process on August 19, 2021, and met on December 9, 2021 to specifically discuss the development of "green gas" products that could potentially be offered to customers by ESCOs in the future. This collaborative process remains ongoing. The January 2021 Order also provided a limited, one-year waiver to ESCOs offering green gas products to the extent their existing customers use such products.

In its petition, Alpha asserts that it received the limited waiver provided in the January 2021 Order and has been serving customers under such a waiver since that time. The petition requests that the Commission extend the waiver beyond the one-year term to permit Alpha to continue renewing customers currently receiving a green gas product. Alpha argues that an extension of the waiver is warranted because the collaborative process remains ongoing and resolution did not occur before the waiver expired.

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

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

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

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

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

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

(15-M-0127SP40)

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

Establishing an Alternative Recovery Mechanism for Certain Types of Fees

I.D. No. PSC-09-22-00011-P

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

Proposed Action: The Commission is considering a petition filed by KEDLI and KEDNY to establish an alternative recovery mechanism for certain types of fees which will let the Companies reflect these deferrals in its financial statements.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Establishing an alternative recovery mechanism for certain types of fees.

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

Substance of proposed rule: The Commission is considering a petition filed by The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corporation d/b/a National Grid (KEDLI) (collectively, the Companies) on February 7, 2022, which seeks to establish an alternative recovery mechanism that would align with Generally Accepted Accounting Principles (GAAP), consistent with the Commission-authorized regulatory mechanism in Con Edison's current electric and gas rate plans.

The Commission approved the Companies' current rate plans in its Order Approving Joint Proposal, as Modified, and Imposing Additional Requirements issued August 12, 2021 (Rate Order) in Cases 19-G-0309 and 19-G-0310. The Rate Order allows the Companies to defer the financial impact of new legislation, rules or orders. The Companies recently deferred for ratemaking purposes certain types of fees under this provision. However, due to certain timing differences, these regulatory accounting deferrals cannot be reflected in its financial statements under GAAP.

The Companies has deferred, for regulatory purposes, unbilled late payment and related fees for the period March 2020 through December 2021. These fees, \$12.840 million for National Grid NY and \$5.925 million for National Grid, are part of the unanticipated financial impact that resulted from the State's necessary orders, issued to address the COVID-19 pandemic.

Under GAAP, the Companies may only record the deferral on its income statement if the Companies will be recovering it within 24 months from the end of the annual period in which it was recognized. In order to record the deferral on its financial statements, the Companies must recover the deferral by the end of 2022. The Companies propose to establish a surcharge/surcredit recovery mechanism that permits full recovery/refund of any applicable deferred fees within GAAP's recording timeframe.

For the Rate Year 1 (April 1, 2020 through March 31, 2021) fee deferral, the Companies proposes to begin recovery in July 2022 and end in June 2023. For the Rate Year 2 (April 1, 2021 through March 31, 2022) fee deferral, the Companies propose to begin recovery (as a surcharge) or return to customers (as a surcredit) in July 2023 and end in June 2024. For the Rate Year 3 (April 1, 2022 through March 31, 2023) fee deferral, the Companies propose to begin recovery or return to customers in July 2024 and end in June 2025. The Companies state that they are open to alternative recovery/return periods that are within the GAAP requirements.

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

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

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

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

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

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

(19-G-0309SP3)

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

Proposals to Implement an Electric Vehicle Make Ready Surcharge for Street Lighting Customers

I.D. No. PSC-09-22-00012-P

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

Proposed Action: The Commission is considering proposals filed by New York State Electric and Gas Corporation and Rochester Gas and Electric Corporation to implement an Electric Vehicle Make Ready Surcharge for Street Lighting Customers.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposals to implement an Electric Vehicle Make Ready Surcharge for Street Lighting Customers.

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

Substance of proposed rule: The Commission is considering proposals filed by New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation (together, the Companies) on January 25, 2022, to amend their electric tariff schedules, P.S.C. Nos. 121 and 18, respectively, to implement an Electric Vehicle Make Ready Surcharge for Street Lighting schedules, consistent with the Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs (Order), issued July 16, 2020.

The tariff provisions applicable to street lighting customers were inadvertently omitted from the Companies' compliance tariff filings in response to the Order. The proposed amendments have an effective date of June 1, 2022. The Companies request the requirement of 66(12)(b) of the Public Service Law and 16 NYCRR Section 720-8.1 regarding newspaper publication be waived. The Companies will directly communicate the changes via a bill message to street lighting customers. The bill message will be included on the lighting customers' bills for May and June 2022.

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

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

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

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

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

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

(18-E-0138SP6)

Workers' Compensation Board

NOTICE OF ADOPTION

Medical Treatment Guidelines

I.D. No. WCB-41-21-00012-A

Filing No. 97

Filing Date: 2022-02-10

Effective Date: 2022-03-02

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

Action taken: Amendment of section 324.2 of Title 12 NYCRR.

Statutory authority: Workers' Compensation Law, sections 13, 13-a, 141 and 117

Subject: Medical Treatment Guidelines.

Purpose: To add Eye Disorders, Traumatic Brain Injury, and Complex Regional Pain Syndrome MTGs.

Text of final rule: New paragraphs (15), (16) and (17) of subdivision (a) of section 324.2 of Title 12 NYCRR is hereby added to read as follows:

(15) for eye disorders, the New York Eye Disorders Medical Treatment Guidelines, first edition, September 28, 2021, effective May 2, 2022, herein incorporated by reference.

(16) for traumatic brain injury, the New York Traumatic Brain Injury Medical Treatment Guidelines, first edition, September 28, 2021, effective May 2, 2022, herein incorporated by reference.

(17) for complex regional pain syndrome, the New York Complex Regional Pain Syndrome Medical Treatment Guidelines, first edition, September 28, effective May 2, 2022, herein incorporated by reference.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 324.2.

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Job Impact Statement

The proposed rule will not have an adverse impact on jobs. The proposed rule amends Section 324.2 of Part 324 of 12 NYCRR, known as the Medical Treatment Guidelines (Guidelines), to add Eye Disorders, Traumatic Brain Injury, and Complex Regional Pain Syndrome Guidelines.

The rule does not eliminate any existing process, procedure, or program, and will not result in an adverse impact on jobs.

Initial Review of Rule

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

Assessment of Public Comment

During the public comment period, the Board received two unique written comments. The comments pointed out several typographical errors, which have been corrected.

Eye Disorder Medical Treatment Guidelines (MTG)

One of the comments noted that for certain medications, no formulation or dosage was specified. Some of the referenced sections/medications that were part of this inquiry were for medications that are not recommended. As such, no formulation or dosage is given and no change has been made in response to this comment. For recommended medications, when dosages and formulations are specified, they are provided either in the MTG or the Drug Formulary.

The other comment suggested clarifications to the history and physical examination findings of chemical burns, to more broadly include such symptoms or findings as: stinging, burning, pain, swelling, cataracts and retinal damage. These purely informational clarifications were added to the table of potential history and physical exam findings.

The comment also suggested a clarification to the history and physical examination findings of acute glaucoma, to more broadly include the symptom: acute headache. This purely informational clarification was added to the table of potential history and physical exam findings.

The comment also suggested that on page 25 and 26, in Table 4, the Board consider adding "herpes zoster ophthalmicus" as an additional potential diagnosis to the differential diagnosis of "red eye." While herpes zoster ophthalmicus is an important condition to consider, the Board does not believe that it is appropriately placed into Table 4 with the conditions being compared, because of its very different etiology and presenting constellation of symptoms, as the commenter noted, including but not necessarily limited to: "blisters around the upper eyelid and forehead on one side; burning, throbbing, or itching around the eye; skin redness or rash around the eye; eye redness, irritation, or tearing; and blurry vision." This is an important condition, beyond the scope of this particular Table. Therefore, no change has been made in response to this comment.

This comment also suggested that the Board add the clarifying information term "trauma" to the list of risk factors for bacterial infections. This clarifying informational term, in addition to the term "acute injury" has been added to the list of risk factors for bacterial infections. The comment also suggested adding "pain" to the symptoms of corneal infection, and the Board has made this clarifying change as well.

The comment also suggested adding "coronaviruses" to the "causes" column of the table on page 52 (Viral Conditions). The Board has added this informational clarification.

Complex Regional Pain Syndrome (CRPS) MTG

One commenter asked for clarification of the discussion of gabapentinoids, anti-seizure medications, and other medications as presented in the CRPS MTG. The simplest and most straightforward clarification is that the recommendations of the MTG should be read and interpreted as written, and therefore no changes were made in response to this comment. More specifically, the gabapentinoids discussed in section J.9 of the MTG should be considered separately and distinctly from the anticonvulsants discussed in section J.8 of the MTG. The frequency, dose, duration for the use of Gabapentin and pregabalin in the treatment of CRPS is as outlined

in section J.9 of the MTG. The frequency, dose, duration for the limited use of anticonvulsants in the treatment of CRPS is as outlined in section J.8 of the MTG. The medications that are listed as examples of medications that should be tried prior to the use of IVIG should not be interpreted as a preferential rank order of either the medications that are listed or those that are not. The evidence supporting these recommendations is included in the evidence tables.

The other comment recommended adding several symptoms to the "Symptoms and Signs" list in section D.2. for clarification. As a matter of clarification, signs and symptoms that were listed in the diagnostic criteria for CRPS have been reiterated subsequently in the signs and symptoms section of the MTG.

Traumatic Brain Injury (TBI) MTG

One commenter asked for clarification of page 36, section B.13.a.v, Anticonvulsant Medications, and whether the medications listed were merely examples to be drawn from their broader class of medications. The MTG should be read and interpreted as written, these specific medications are being recommended for post TBI headache, and the recommendation is limited to the medications noted.

This comment also asked for clarification of page 36, section B.13.a.vi, Antidepressants, and whether the class of antidepressants listed was merely examples to be drawn from their broader drug category "antidepressants." The MTG should be read and interpreted as written, these specific class antidepressants (tricyclics) are being recommended for post TBI headache, and the recommendation is limited to the class of medications noted.

The comment also requested clarification in section B.13.b.ix. The Board has made a clarifying change to add "Antiseizure/Anticonvulsant," which does not change the underlying recommendations, but rather makes clear that prophylactic anti-seizure medications are generally recommended, in the treatment of post-TBI seizures to both treat and prevent the progression of the initial seizure, as well as to reduce the risk of subsequent seizures after an initial post-TBI seizure has occurred. This is a clarification, and there is no change to the underlying recommendations.

The other comment suggested adding "seizures" to the "neurologic" bullet at the top of the page to provide additional context and clarity. The Board has made this informational addition.

The comment also asked for clarification regarding the indications for testing listed on page 26, section B.9.d, which brought to light a formatting error in the sections and subsections of the document. This formatting error was corrected, and Rotary Chair Testing and Electro- or Video-Nystagmography (ENG/VNG) were appropriately listed as subsections of Vestibular Function Testing. As corrected, the section is now B.9.d Vestibular Function Testing B.9.d.i Rotary Chair Testing and B.9.d.ii Electro- or Video-Nystagmography. This formatting change provides the clarification that was requested by the commenter, but does not change the substance of the recommendations for any of these testing modalities.

The comment also suggested that the Board consider including hyperbaric oxygen therapy for traumatic brain injury, perhaps in section B.11 alongside other rehabilitation therapies. The Board did consider this. However, neither the Medical Advisory Committee nor our subject matter experts recruited for the development of this MTG suggested the use of hyperbaric oxygen therapy. Though we are aware of reports of the use of hyperbaric oxygen therapy in TBI, these have generally been in the context of calls for additional research in this area, thus considering the modality still experimental. As such, we will continue to follow the developing body of medical evidence regarding the use of hyperbaric oxygen to treat TBI, which may in turn impact a future version of the TBI MTG, but no changes are being made at this time.

Changes made:

- Changed effective date in text to May 2, 2022

Eye Disorder MTG:

- Sentence deleted in section D.8.c. that was a typographical error
- Typographical error corrected in section A.6
- Typographical error corrected on page 16
- Added information clarifications to the table of potential history and physical exam findings
- Typographical error corrected on page 39, section D.4.c.
- Typographical error corrected on page 42, section D.7.a.i.
- Typographical error corrected on page 47, section E.2.
- Added clarifying terms "trauma" and "acute injury" to the list of risk factors for bacterial infections
- Added clarifying term "pain" to list of symptoms for corneal infection
- Typographical error corrected on page 51, in section E.3.f.ii.
- Added clarifying informational term "coronaviruses" to potential causes of red eye on the Viral Conditions table

CRPS MTG

- Typographical error corrected on page 9, section A.6.
- Typographical error corrected on page 17
- Signs and symptoms in diagnostic criteria for CRPS added subsequently in the signs and symptoms section of the MTG

TBI MTG

- Typographical error corrected in the footer throughout
- Clarifying language “Antiseizure/Anticonvulsant” to section B.13.b.ix
- Typographical error corrected on page 9, section A.6.
- Added clarifying change to add “seizure” to list of potential symptoms for TBI
- Formatting change to page 26 for clarification
- Typographical error corrected on page 40, section B.13.b.ix

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

Intraoperative Neurophysiological Monitoring

I.D. No. WCB-09-22-00002-P

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

Proposed Action: Addition of section 329-1.4 to Title 12 NYCRR.

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

Subject: Intraoperative Neurophysiological Monitoring.

Purpose: To define IOM and clarify that remote IOM is prohibited except in very limited circumstances.

Text of proposed rule: A new section 329-1.4 of Title 12 NYCRR is hereby added to read as follows:

329-1.4. Remote intraoperative neurophysiological monitoring prohibited.

(a) Definitions.

(1) *Intraoperative Neurophysiological Monitoring (“IOM”): IOM identifies compromise to the nervous system during surgical procedures. Evoked responses are constantly monitored for changes that could imply damage to the nervous system. The Monitoring Physician or qualified Technologist sets up and operates the monitoring equipment in the operating room. The Technologist shall be in constant attendance in the operating suite with the physical or electronic capacity for real-time communication with the Monitoring Physician.*

(2) *Monitoring Physician: any licensed physician trained in neurophysiology who monitors a patient’s nervous system throughout a surgical procedure. The Monitoring Physician provides constant neuromonitoring at critical points during the surgical procedure as indicated by the surgeon or any unanticipated testing responses. The Monitoring Physician shall be in constant attendance in the operating suite or available for consultation (in-person or by telephone) and available to provide actual on-premises assistance when needed or in an emergency. Physician monitoring for IOM services shall be by computer/video and telephone backup shall be available for instances when the internet is unavailable. The billing code to be used is CPT 95940.*

(3) *Technologist: The IOM Technologist shall be specifically trained in/registered with: (a) the American Society of Neurophysiologic Monitoring or (b) The American Society of Electrodiagnostic Technologists. An IOM Technologist is not eligible for authorization as a provider under the Workers’ Compensation Law. Accordingly, there is no reimbursement allowance for the services of the technologist.*

(b) *Prohibition. IOM must be performed by a Monitoring Physician who is either continuously present in the operating suite or available for consultation (in-person or by telephone) and available to provide actual on-premises assistance when needed or in an emergency. Billing code 95941 shall not be used.*

(c) IOM does not qualify for treatment via telehealth.

Text of proposed rule and any required statements and analyses may be obtained from: Heather MacMaster, 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:

The Chair of the Workers’ Compensation Board (Chair) is authorized to add a new section 329-1.4 of Title 12 NYCRR. Workers’ Compensation Law (WCL) § 117 (1) authorizes the Chair to make reasonable regulations consistent with the provisions of the WCL. WCL § 141 authorizes the Chair to enforce all provisions of the chapter and make administrative regulations and orders providing in part for the receipt, indexing, and examining of all notices, claims and reports.

2. Legislative Objectives:

The Chair of Workers’ Compensation Board is authorized to adopt reasonable rules consistent with and supplemental to the Workers’ Compensation Law (Workers’ Compensation Law §§ 117[1] and 141). This proposal is intended as an explicit clarification of the Workers’ Compensation Law that remote intraoperative neurophysiological monitoring (IOM) is prohibited, except in limited circumstances detail in the proposal, which include, but are not necessarily limited to: performance by a physician authorized by the NYS WCB; who remains in continuous contact with the operating surgeon throughout the procedure; and who is in close enough geographic proximity to be immediately and actually available in person in the event that surgical events or other emergent circumstances should require in person presence.

3. Needs and Benefits:

One of the overarching goals of the Board is to provide for effective and safe treatment of injured workers. Having a monitoring physician available for consultation and in-person assistance when needed or in an emergency for surgical procedures is a basic and important safety consideration for injured workers receiving effective and safe treatment. This proposal removes any uncertainty about whether this is permitted and explicitly clarifies that remote IOM by physicians is not permitted, except as noted above.

Currently, there is little regulation of IOM, and there are competing opinions whether remote IOM is safe and effective, and what level of in person availability is required in order to assure patient safety. The Board is charged with ensuring that injured workers receive safe and effective care and treatment. In the absence of clear regulation and/or convincing medical literature and studies concluding that remote IOM is safe, the Board wishes to err on the side of safety and prohibit remote IOM except in very limited circumstances. The Board’s medical experts believe this is currently the best practice – if studies and medical literature change in the future to clearly indicate remote IOM (that does not include the immediate, physical on-site/in-person availability of the monitoring physician, if needed) is safe for injured workers, this is something that can be revisited in the future.

4. Costs:

Because this proposal is making an explicit clarification of a position the Board has already taken, there should be little increased costs associated with the proposal. Additionally, the clarity gained from explicitly prohibiting remote IOM (except in very limited circumstances) may reduce disputes over medical bills, and therefore less administrative costs associated with disputing such medical bills.

5. Local Government Mandates:

The rule imposes a prohibition on remote IOM except in very limited circumstances, which applies to any authorized providers, but no local government mandates.

6. Paperwork:

The proposed amendments to the regulations should not affect paperwork associated with medical treatment. There will be no change to the method and manner of the forms used as a result of this proposal, since it is simply making remote IOM explicitly prohibited (except in very limited circumstances).

7. Duplication:

The proposed regulation does not duplicate or conflict with any state or federal requirements.

8. Alternatives:

One alternative would be to not propose the addition of this section to the regulations. However, while the Board has maintained that completely remote IOM is not permitted, there remains confusion, and to not add this section would cause the confusion to continue and perpetuate uncertainty and a lack of clarity. This way, the prohibition is explicit and there can be no confusion about whether or not it is permitted. As outlined above, if medical literature indicates in the future that completely remote IOM is safe and it becomes clear that it should be permitted, this prohibition may be revisited in the future.

9. Federal Standards:

There are no federal standards applicable to this proposed regulation.

10. Compliance Schedule:

Providers will need to comply with the proposed regulation when it is adopted.

Regulatory Flexibility Analysis

1. Effect of rule:

Small businesses and local governments will be affected by the rule only insofar as they have providers involved with intraoperative neurophysiological monitoring (IOM) – this proposal explicitly prohibits remote IOM except in very limited circumstances.

2. Compliance requirements:

The proposed rule does not impose new compliance requirements on the small businesses and local governments described above. Compliance with the proposal just means not allowing remote IOM except in very limited circumstances.

3. Professional services:

Small businesses and local governments affected by the rule will not need any new professional services to comply with this rule.

4. Compliance costs:

Because this proposal is making an explicit clarification of a position the Board has already taken, there should be little increased costs associated with the proposal. Additionally, the clarity gained from explicitly prohibiting remote IOM (except in limited circumstances) may reduce disputes over medical bills, and therefore less administrative costs associated with disputing such medical bills.

5. Economic and technological feasibility:

It is economically and technologically feasible for small businesses and local governments to comply with the proposed amendments. The proposal does not add any technological requirements – it simply explicitly prohibits remote IOM (except in limited circumstances).

6. Minimizing adverse impact:

As stated above, the implementation of proposal is expected to curb confusion and make explicitly clear that remote IOM is not permitted except in limited circumstances.

7. Small business and local government participation:

The Board has solicited comments for the proposal on its website from all participants in the workers' compensation system, including small businesses and local governments.

The Board does not have a small employer or municipality database, but has sent an electronic communication describing the proposal to the health care provider subscribers for Board updates on February 11, 2022.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed addition of 12 NYCRR 329-1.4 will apply to all providers performing intraoperative neurophysiological monitoring (IOM). These individuals exist in all rural areas of the state.

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

Compliance with this proposal requires that remote IOM not be performed except in very limited circumstances. No additional reporting or recordkeeping requirements are part of this proposal.

3. Costs:

Because this proposal is making an explicit clarification of a position the Board has already taken, there should be little increased costs associated with the proposal. Additionally, the clarity gained from explicitly prohibiting remote IOM (except in limited circumstances) may reduce disputes over medical bills, and therefore less administrative costs associated with disputing such medical bills.

4. Minimizing adverse impact:

As stated above, the implementation of proposal is expected to curb confusion and make explicitly clear that remote IOM is not permitted except in limited circumstances.

5. Rural area participation:

The proposal will be available for public comment on the Board's website and in the State Register, and the Board will duly consider all public comments received.

Job Impact Statement

The proposed rule should not have an adverse impact on jobs. The proposed rule adds a new Section 329-1.4 of 12 NYCRR, to explicitly clarify that remote intraoperative neurophysiological monitoring is not permitted except in very limited circumstances. The Board's position has been that this is not currently permitted in most circumstances, and this proposal is intended as an explicit clarification only, so the rule does not eliminate any existing process, procedure, or program, and will not result in an adverse impact on jobs.

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

Telehealth

I.D. No. WCB-28-21-00009-RP

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

Proposed Action: Addition of section 324.2(g) to Title 12 NYCRR.

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

Subject: Telehealth.

Purpose: Provides the option for telehealth visits in some circumstances.

Text of revised rule: A new subdivision (g) of section 324.2 of Title 12 NYCRR is hereby added to read as follows:

(g) *Telehealth. Telehealth shall mean medical treatment and care*

rendered by a medical provider who is Board authorized and provides medical treatment and care in New York State using synchronous two-way audio and visual electronic communication, or synchronous two-way treatment and care via telephone. Telehealth shall not include asynchronous communication between a medical provider and a claimant, and such communication is not separately reimbursable.

(1) *Treatment via telehealth is consistent with the Medical Treatment Guidelines following an initial in-person clinical encounter with a Board-authorized provider, when subsequent clinical encounters via telehealth are medically appropriate and subject to the following restrictions:*

(i) *Every third clinical encounter must be an in-person assessment by the treating medical provider.*

(ii) *Telehealth is not permissible for services administered by physical therapists, occupational therapists, acupuncturists, and chiropractors.*

(iii) *In order for any provider to provide services via telehealth, that provider must have previously assessed the patient in-person. All initial encounters between a patient and provider must be in-person encounters.*

(iv) *When subsequent medical treatment and care will be performed by a medical provider other than the medical provider who treated at the initial clinical encounter, the subsequent treating medical provider must have an in-person clinical encounter with the claimant prior to providing medical treatment and care via telehealth, and thereafter every third clinical encounter with that subsequent treating provider must be an in-person clinical encounter.*

(v) *In cases in which there have been multiple follow-up clinical encounters by a medical provider other than the initial/in-person medical provider, and the initial/in-person medical provider will be seeing the patient in follow-up, the follow-up clinical encounter by the initial/in-person medical provider must be an in-person clinical encounter, and thereafter every third clinical encounter with the initial/treating provider must be an in-person clinical encounter, as noted herein.*

(vi) *Every third clinical encounter by medical providers from the same office or medical group practice must be an in-person clinical encounter.*

(vii) *Whenever follow-up is conducted on an urgent basis, or sooner than the regularly scheduled follow-up appointment, such clinical encounters shall be conducted in-person. If a follow-up is conducted via telehealth, the medical provider must specifically document why an in-person assessment (and/or referral to an urgent care or emergency care facility) was not clinically indicated.*

(viii) *Permanency evaluations may not be performed via telehealth.*
(ix) *Independent Medical Examinations conducted pursuant to section 300.2 of this Chapter and section 137 of the Workers' Compensation Law, may be conducted via telehealth when: (a) the claimant has legal representation; (b) all parties consent to such telehealth examination; (c) the examination is otherwise conducted in accordance with section 300.2 of this Chapter and section 137 of the Workers' Compensation Law; and (d) the independent medical examiner is not offering an opinion on permanent impairment. No party is required to consent to participation in an independent medical examination conducted via telehealth.*

(x) *Supervision of surgical assistants by remote intra-operative monitoring is not a telehealth service or procedure governed or otherwise deemed permissible by this subdivision.*

(xi) *Providers who are not capable of authorization and provide medical care under the direct supervision of an authorized medical provider pursuant to section 13-b (2)(b) of the workers' compensation law may not provide such care by telehealth.*

(xii) *The treating medical provider shall indicate on their report that a clinical encounter was done using telehealth by use of modifier 95 and indicating synchronous two-way audio and visual electronic communication, with a place of service as 11, or by indicating synchronous two-way treatment and care via telephone with place of service as 02.*

(xiii) *The Chair may suspend or modify application of any restriction set forth in subdivision (b) due to a state-wide or regional emergency or for reasons of medical necessity.*

(2) *A provider may submit a prior authorization request in accordance with section 324.3 prior to providing telehealth services that vary from the requirements listed in the medical treatment guidelines and paragraph (1) herein.*

Revised rule compared with proposed rule: Substantial revisions were made in section 324.2.

Text of revised proposed rule and any required statements and analyses may be obtained from Heather MacMaster, 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: 45 days after publication of this notice.

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement is not required because the changes made to the last published rule do not necessitate revision to the previously published documents. These changes do not affect the meaning of any statements in the document.

Assessment of Public Comment

During the public comment period, the Board received approximately 66 unique written comments, and two comments after the public comment period ended.

The Board received several comments from individuals, providers, and societies expressing concerns that the proposal was too restrictive and objecting to requiring an in-person visit appointment every third visit. In response to these comments, the Board has moved the entire proposal to section 324.2 of Title 12, and added language explicitly making clear that a prior authorization request may be made to deviate from any of the rules in the proposal, including the requirement that every third encounter be in person. The Board recognizes that there are situations where deviations from the general telehealth requirements may be warranted, such as rural patients or other patients with a lack of access to providers close by (or providers of the type they need, such as behavioral health providers), patients with severe psychological problems that may prevent them from attending an in-person appointment, etc.

One comment expressed concern as to how the Board could enforce every third encounter. Carriers are able to identify by modifier listed on a medical bill whether the treatment occurred via telehealth. Thus, when treatment does not adhere to the rules regarding in-person visits and the provider has failed to secure prior authorization for telehealth, the carrier may object to the medical bill. Therefore, no change has been made in response to this comment.

One comment requested clarification about what constitutes an initial in-person clinical encounter. The Board has added clarifying language to the proposal that the initial in-person encounter must be with a Board-authorized provider.

The Board received a comment from a patient supporting the adoption of a permanent telehealth proposal. The Board also received a comment from a physician supporting the proposal's permanent adoption. No change has been made in response to these comments.

The Board received one comment from a provider opining that using modifiers in the proposal is confusing and requested the addition of several codes instead, and one comment from a company also requesting clarification. The Board has clarified the language surrounding when to use each modifier.

The Board received one comment from a provider requesting the proposal be changed to explicitly disallow orthopedic evaluations to be done via telehealth. Because the proposal does not require any provider perform any evaluations via telehealth, the Board believes in some cases telehealth may be appropriate, no change has been made in response to this comment.

One comment from a company requested that the Board permanently adopt the emergency telemedicine adoption. Because that proposal deals more with concerns about COVID-19, and the Board has made substantial revisions to this proposal, the Board is not proposing identical text to the emergency adoption.

The Board received two comments expressing concern with the language in the proposal stating that remote intra-operative monitoring cannot be performed by telehealth, opining that this raises issues because this is routine for most brain and spine operations and it will be virtually impossible to find providers willing to do these surgeries and another comment requesting clarification about this in regards to the CPT codes. The Board also received several comments opining that the proposal is "absurd" and opining that intraoperative monitoring via telehealth is necessary. The Board has not made any changes in response to these comments, because the Board believes best practice currently is not to allow this type of monitoring via telehealth.

Two comments expressed concern with requiring that in order to see a patient via telehealth, that provider must have seen the patient at the initial in-person encounter. While the Board believes this is best practice, it is possible in some circumstances that medical necessity dictates a different provider follow up, and in that case a prior authorization request could be made to deviate from the rules in the proposal, and the Board has added language to the proposal clearly indicating such a request may be made.

The Board received several comments opining that physical therapy should be permitted via telehealth and two other comments opining that occupational therapy and chiropractic treatment should also be available via telehealth. Given the physical nature of physical therapy and chiropractic treatment, the Board has not made any changes specifically in response to this comment, but notes that a provider may request prior authorization for treatment via telehealth when there is a medical justification for treatment via telehealth.

One comment expressed support for not allowing telehealth treatment by physical therapists, occupational therapists, acupuncturists and chiropractors, as well as support for not allowing permanency evaluations via telehealth. No change has been made in response to this comment.

The Board received one comment requesting clarification about whether permanency evaluations not being allowed via telehealth is related to maximum medical improvement or permanent impairment evaluation. Not allowing permanency evaluations to telehealth is related both to maximum medical improvement and permanent impairment evaluation, and no change has been made in response to this comment.

The Board received two comments supporting the inclusion of two-way treatment and care via telephone, and no change has been made in response to this comment.

The Board received two comments requesting that the proposal be amended to include a requirement that telehealth services be reimbursed on the same basis, at the same rate, and to the same extent as if the treatment was in-person. The proposal does not provide for modified fees when a treatment is rendered via telehealth. Accordingly, no change has been made as a result of this comment.

One comment requested clarification about how "medically appropriate" is defined, as convenience does not appear to be a valid reason for a telehealth visit under the proposal. "Medically appropriate" refers to a clinical determination that something is or is not consistent with medical standards of care, and not whether something is merely more or less convenient for the participants, and no change has been made in response to this comment.

The Board received a comment from an individual requesting a longer public comment period because they just only heard about the proposal close to the closing of the public comment period. Because the Board issued a Subject Number announcing the proposal, posted the proposal on its website, and the proposal was published in the State Register and open for a 60-day public comment period, no change has been made in response to this comment.

Independent Medical Exam (IME) concerns

The Board received several comments opining that IMEs are not suitable for telehealth in any circumstances, for concerns about privacy, quality, and parity among other reasons. The proposal does not require any IMEs to be performed by telehealth and are only available in very limited circumstances when medically appropriate. Additionally, all parties have to agree in order for an IME to be formed via telehealth. Therefore, no change has been made in response to these comments.

One comment from an association also opined that the proposal should add language that when a claimant elects to be treated via telehealth, they also consent to a concomitant IME via telehealth by the carrier or self-insured employer. Because IMEs are completely different under the Workers' Compensation Law and handled separately from treatment, no change has been made in response to this comment.

Changes made:

- Moved entire proposal to 324.2
- Added language to (g)(1) to clarify that the initial in-person encounter must be with a Board-authorized provider
- Changed language in (g)(1)(iii) to clarify that a provider providing telehealth services must have previously done an in-person assessment
- Added language to (g)(1)(ix) to further make clear that IMEs are not required to be conducted via telehealth
- Added clarifying language to (g)(1)(x) to make it explicitly clear that remote intraoperative monitoring is not a telehealth service and is not permitted by this proposal
- Added language to (g)(1)(xii) to clarify when to use which modifiers
- Added subdivision (g)(2) to make clear that a prior authorization request can be made to deviate from any of the rules in the proposal

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-51-21-00003-P	Environmental Remediation Programs	<p>Electronic Webinar—April 5, 2022, 2:00 p.m. 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/proprotegrulations.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>

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-23-21-00001-P	..... 07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-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-42-21-00010-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-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.
AAC-09-22-00003-P	..... 03/02/23	Electronic Contact	To provide that forms of electronic contact satisfy the written communication requirements under Abandoned Property Law

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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.
CVS-01-22-00025-P	01/05/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00001-P	02/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-22-00002-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00003-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00004-P	02/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-22-00005-P	02/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-22-00006-P	02/09/23	Jurisdictional Classification	To delete a position and to classify a position in the exempt class and to classify positions in the non-competitive class
CVS-06-22-00007-P	02/09/23	Jurisdictional Classification	To delete a position from and to add a subheading and classify positions in the non-competitive class

Action Pending Index**NYS Register/March 2, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-06-22-00008-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-09-22-00001-P	03/02/23	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2022
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
CCS-07-22-00006-P	02/16/23	Forwarding Incarcerated Individual Mail	To further clarify facility mail forwarding processing procedures.
CCS-08-22-00007-EP	02/23/23	Disposition for violations of the conditions of release	To bring Board regulations into compliance with recent amendments to the Executive Law.
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
EDV-05-22-00007-P	02/02/23	Post Production Tax Credit Program	Update regulations to clarify the taxable year in which a credit is allowable.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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-ERP	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-ERP	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
EDU-04-22-00008-EP	01/26/23	Cancellation of January 2022 administration of Regents Examinations	To provide regulatory flexibility in response to the cancellation of the January 2022 Regents examination administration.
EDU-04-22-00009-EP	01/26/23	Administration of Immunizations by Pharmacists.	To conform the Commissioner's regulation to Chapter 555 of the Laws of 2021 authorizing pharmacists to administer certain immunizations.
EDU-04-22-00010-EP	01/26/23	Assessment requirements for school district leader and school district business leader program completion, the institutional recommendation for Professional SDL and SDBL certification, and the institutional recommendation Transitional D certification.	Removes the requirement that SDL, SDBL, and Transitional D candidates pass the SDL and SDBL assessment, respectively, for program completion and the institutional recommendation for Professional and Transitional D certification
EDU-09-22-00013-P	03/02/23	Use of Therapeutic Pharmaceutical Agents by Certified Optometrists.	To add a new class of drugs, Rho kinase inhibitors, to the list of drugs that an optometrist certified to use phase two therapeutic pharmaceutical agents may use and prescribe to treat patients
EDU-09-22-00014-P	03/02/23	Content core requirements for candidates seeking an additional science certificate.	To revise the content core requirements in registered teacher preparation programs
EDU-09-22-00015-P	03/02/23	Literacy (All Grades) certificate	Establishes the Literacy (All Grades) certificate
EDU-09-22-00016-P	03/02/23	Board of education cooperative services regional technology plans.	To modernize the language and align requirements of the regional technology plans required to be submitted by BOCES.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00003-P	09/29/22	Required Debates for Statewide Candidates Participating in the Public Campaign Finance Program	Outlines Debate Requirements for Statewide Candidates Participating in the Public Campaign Finance Program
SBE-46-21-00001-P	11/17/22	Public Campaign Finance Board's Enforcement Procedure	Relates to how the Public Campaign Finance Board will enforce the public campaign finance provisions of the Election Law
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-42-21-00011-P	10/20/22	DISCLOSURE REQUIREMENTS FOR CERTAIN PROVIDERS OF COMMERCIAL FINANCING TRANSACTIONS	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses.
DFS-47-21-00006-P	11/24/22	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To hold insurers, plans and HMOs responsible for inaccurate provider directory information and replies to insureds' inquiries.
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
DFS-09-22-00018-P	03/02/23	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To provide additional minimum standards for the content of health insurance identification cards in accordance with Federal law
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-05-21-00011-RP	05/04/22	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.

Action Pending Index**NYS Register/March 2, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease.
HLT-50-21-00003-EP	12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread.
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors.
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
HLT-07-22-00010-P	02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-07-22-00011-P	02/16/23	Surge and Flex Health Coordination System	Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency.
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.
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-06-22-00015-EP	02/09/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction	To increase transparency of the Commission
LABOR, DEPARTMENT OF			
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.
LAB-05-22-00008-EP	02/02/23	Unemployment Insurance Work Search	Permit unemployment claimants to use virtual and electronic methods to engage in systemic and sustained work search efforts.
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"

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LIQUOR AUTHORITY, STATE			
LQR-36-21-00002-P	11/10/22	Commencement of administrative disciplinary proceedings via electronic means	To modernize outdated administrative disciplinary procedures to provide for service of pleadings via electronic means
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MENTAL HEALTH, OFFICE OF			
OMH-43-21-00002-EP	10/27/22	COVID-19 Vaccination Program	To implement a COVID-19 vaccination program in OMH Operated or Licensed Hospitals
OMH-48-21-00003-EP	12/01/22	Telehealth Expansion.	To establish regulations regarding the expansion of telehealth.
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-21-00004-EP	04/21/22	Requiring mask wearing when using the facilities and conveyances of the MTA and its operating affiliates and subsidiaries	To safeguard the public health and safety by adding a new all-agency rule requiring the use of masks in facilities and conveyances
MOTOR VEHICLES, DEPARTMENT OF			
MTV-09-22-00017-P	03/02/23	Passenger and commercial registrations	Allows a passenger class registration for non-commercially used pickup trucks by removing the truck weight limitation
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-ERP	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
PDD-04-22-00007-P	01/26/23	Reportable Incidents	To remove administration of medical cannabis from the list of reportable incidents

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-22-00004-EP	02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-09-22-00005-P	03/02/23	Administrative Compensation	To repeal Part 645 as Executive Order 38 has sunset
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
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
*PSC-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-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-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-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee.	To consider whether the proposed fees are in the public interest.
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects.	To ensure just and reasonable rates charged to customers.
PSC-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements.	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers.
PSC-34-21-00006-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-35-21-00009-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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-39-21-00006-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-40-21-00021-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
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-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-44-21-00014-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-46-21-00013-P	..... exempt	ESCO Eligibility	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-47-21-00004-P	..... exempt	Proposed modifications to CDRP.	To consider revisions to CDRP, as well as conforming tariff revisions.
PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-48-21-00004-P	..... exempt	Proposed filings to modify Riders AB and J - Smart Home Rate.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-48-21-00005-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities to the Town of Hamburg.
PSC-48-21-00006-P	..... exempt	Electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan.	To consider whether to retire the Performance Assurance Plan.
PSC-49-21-00011-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage systems 5 MW or less to the distribution system.
PSC-49-21-00012-P	..... exempt	Hosting capacity maps at investor-owned electric utilities.	To provide more useful information about the distribution system's hosting capacity.
PSC-49-21-00013-P	..... exempt	Amendments to the SIR and funding mechanisms.	To more equitably share costs among distributed generation and energy storage projects that require capital upgrades.
PSC-49-21-00014-P	..... exempt	A Tier 4 renewable energy certificate contract.	To increase renewable generation in New York city.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-50-21-00010-P	..... exempt	New York City's proposal to procure Tier 4 Renewable Energy Certificates.	To modify load serving entity compliance obligations under the Clean Energy Standard.
PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-50-21-00014-P	..... exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency measures are in place.
PSC-50-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-51-21-00008-P	..... exempt	Distribution level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00009-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-51-21-00011-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00012-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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.
PSC-04-22-00002-P	..... exempt	Con Edison's petition for specific non-pipeline alternative projects.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-04-22-00003-P	..... exempt	Proposed sale of real property.	To determine if the proposed sale of real property is in the public interest.
PSC-04-22-00004-P	..... exempt	Extension of the State Universal Service Fund.	To continue to provide universal service at a reasonable rate in certain service territories.
PSC-04-22-00005-P	..... exempt	Petition to continue development and recover the costs of 23 local transmission projects.	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-04-22-00006-P	..... exempt	Area code overlay as relief of the exhausting 845 area code.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-05-22-00001-P	..... exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products.
PSC-05-22-00002-P	..... exempt	Notification concerning tax refunds.	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund.
PSC-05-22-00003-P	..... exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on a green gas product.
PSC-05-22-00004-P	..... exempt	Initial Tariff Schedule.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-05-22-00005-P	..... exempt	Disposition of a garbage and refuse tax refund.	To determine the disposition of tax refunds and other related matters.
PSC-05-22-00006-P	..... exempt	Green gas products.	To consider an extension of the waiver permitting energy service companies to serve existing customers on a green gas product.
PSC-06-22-00009-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-06-22-00010-P	..... exempt	Tariff rate modifications for PASNY Delivery Service.	To implement just and reasonable rates for distributed energy resources.
PSC-06-22-00011-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting American Power & Gas to serve existing customers on a green gas product.
PSC-06-22-00012-P	..... exempt	Retention of property tax refunds.	To consider Verizon New York Inc.'s request to retain a portion of a property tax refund.
PSC-06-22-00013-P	..... exempt	The Commission's Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether to extend the date to comply with the CES locational and delivery requirements when purchasing RECs.
PSC-06-22-00014-P	..... exempt	The regulatory regime applicable to a solar electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-07-22-00007-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-07-22-00008-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-07-22-00009-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-08-22-00002-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for capital needs, including construction, and refinancing of maturing debt.
PSC-08-22-00003-P	..... exempt	Electric metering equipment.	To consider the use of equipment and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-08-22-00004-P	..... exempt	Debt financing arrangement.	To review the proposed financing and consider whether it is within the public interest.
PSC-08-22-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-08-22-00006-P	..... exempt	Establishment of a lightened regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-09-22-00006-P	..... exempt	Assessment of the need of the project for the the provision of safe and adequate service at just and reasonable rates.	To determine whether the project is necessary and whether the utility can begin cost recovery through a surcharge mechanism.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-09-22-00007-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Viridian Energy PA, LLC to serve existing customers on a green gas product.
PSC-09-22-00008-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Just Energy New York to serve existing customers on a green gas product.
PSC-09-22-00009-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-22-00010-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Alpha Gas & Electric to serve existing customers on a green gas product.
PSC-09-22-00011-P	..... exempt	Establishing an alternative recovery mechanism for certain types of fees.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-22-00012-P	..... exempt	Proposals to implement an Electric Vehicle Make Ready Surcharge for Street Lighting Customers.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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-08-22-00001-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 April 1, 2022 through June 30, 2021.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
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
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

Action Pending Index**NYS Register/March 2, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-28-21-00009-RP	..... 07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances
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
WCB-09-22-00002-P	..... 03/02/23	Intraoperative Neurophysiological Monitoring	To define IOM and clarify that remote IOM is prohibited except in very limited circumstances

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

BIF - North Oaks Coinvest, LLC
320 Broad St., Suite 600, Charleston, SC 29401
State or country in which incorporated — Delaware limited liability
company

Bruce Creek Investors, LLC
1366 E. 15th St., Edmond, OK 73013
State or country in which incorporated — Delaware

Fairwood Opportunity Fund LLC
1600 SW. Cedar Hills Blvd., Suite 101B, Portland, OR 97225
State or country in which incorporated — Oregon limited liability
company

Foster + Partners Group Limited
Riverside Three, 22 Hester Rd., Albert Wharf, London, SW11 4AN,
England
State or country in which incorporated — England

Lake Lorraine 26, LLC
120 Main Ave. S, Brookings, SD 57006
State or country in which incorporated — South Dakota

Spanish Cove Member LLC
16150 SW. Upper Boones Ferry Road, Portland, OR 97224 AD-
DRESS
State or country in which incorporated — Delaware

Spark Rutherford, LLC
141 Traction St., Greenville, SC 29611
State or country in which incorporated — South Carolina

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE
CABLING SYSTEM
Bedford Hills Correctional Facility
Bedford Hills, Westchester County

Sealed bids for Project No. 45400-E, comprising a contract for Electrical Work, Provide Cabling System, Bedford Hills Correctional Facility, 247 Harris Road, Bedford Hills (Westchester County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, March 16, 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 \$89,900 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$3,000,000 and \$4,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 871 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:30 a.m. on February 24, 2022, at the OGS Field Office, 247 Harris Road Bedford Hills, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Matthew Vondras (914) 666-0889) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the 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 docu-

ments can be accessed at the following link: <http://www.bidexpress.com>

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

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

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

By OGS - Design & Construction Group

PROVIDE

SALT STORAGE BUILDINGS

Department of Transportation Region 3

Polkville and DeWitt, Cortland and Onondaga Counties

Sealed bids for Project Nos. 47039-C and 47039-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Buildings, DOT Region 3, Polkville and DeWitt (Cortland and Onondaga Counties), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, March 16, 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 \$92,700 for C, and \$19,700 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 \$3,000,000 and \$4,000,000 for C, between and between \$250,000 and \$500,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 178 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 9:00 a.m. on March 3, 2022, at 5831 Butternut Drive, East Syracuse, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Mike Constable (680-800-7052) 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 18% for MWBE participation, 9% for Minority-Owned Business Enterprises ("MBE") participation and 9% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE

Office of Addiction Services and Supports

Pursuant to the authority vested in the Commissioners of the New York State Office of the Mental Health and the Office of Addiction Services and Supports in Sections 7.15 and 9.15 of the Mental Hygiene law, respectively, effective February 1, 2022, the New York State Office of Mental Health and the Office of Addiction Services and Supports will designate providers of four new behavioral health waiver services called Community Oriented Recovery and Empowerment (CORE) Services, including Community Psychiatric Support and Treatment, Psychosocial Rehabilitation, Family Support and Training, and Empowerment Services – Peer Support. CORE services were previously authorized as Behavioral Health Home and Community Based Services (BH HCBS) under New York State's Medicaid Section 1115 Medicaid Redesign Team Waiver. CORE Services are provided to Medicaid Managed Care enrollees with behavioral health needs who are enrolled in a Health and Recovery Plan (HARP) or HARP-eligible enrollees enrolled in an HIV Special Needs Plan.

Providers currently designated to provide one or more of the BH HCBS that will become CORE services will be automatically provisionally designated to provide those CORE Services until July 31, 2022. On and after August 1, 2022, providers meeting the requirements for designation will be designated to provide CORE services.

Additionally, providers currently licensed, certified, or funded by the Office of Mental Health or Addiction Services and Supports and in good standing may apply for designation to provide CORE Services through an online portal which will be available on the OMH website on or before February 1, 2022. In consultation with local government units pursuant to Article 41 of the Mental Hygiene Law regarding local service needs, providers meeting the requirements for designation will be designated to provide CORE services.

Additional information regarding CORE services and the requirements for designation to provide CORE services, which are included in the CORE Operations Manual, are available for public inspection at: <https://omh.ny.gov/omhweb/bho/core/core-services-operations-manual.pdf>

Comments regarding this notice may be submitted until April 15, 2022 to: regs@omh.ny.gov

PUBLIC NOTICE Office of Mental Health

Pursuant to the authority vested in the Commissioners of the New York State Office of the Mental Health and the Office of Addiction Services and Supports in Sections 19.09, 19.15, 19.17 of the Mental Hygiene law, respectively, effective February 1, 2022, the New York State Office of Mental Health and the Office of Addiction Services and Supports will designate providers of four new behavioral health waiver services called Community Oriented Recovery and Empowerment (CORE) Services, including Community Psychiatric Support and Treatment, Psychosocial Rehabilitation, Family Support and Training, and Empowerment Services – Peer Support. CORE services were previously authorized as Behavioral Health Home and Community Based Services (BH HCBS) under New York State's Medicaid Section 1115 Medicaid Redesign Team Waiver. CORE Services are provided to Medicaid Managed Care enrollees with behavioral health needs who are enrolled in a Health and Recovery Plan (HARP) or HARP-eligible enrollees enrolled in an HIV Special Needs Plan.

Providers currently designated to provide one or more of the BH HCBS that will become CORE services will be automatically provisionally designated to provide those CORE Services until July 31, 2022. On and after August 1, 2022, providers meeting the requirements for designation will be designated to provide CORE services.

Additionally, providers currently licensed, certified, or funded by the Office of Mental Health or Addiction Services and Supports and in good standing may apply for designation to provide CORE Services through an online portal which will be available on the OMH website on or before February 1, 2022. In consultation with local government units pursuant to Article 41 of the Mental Hygiene Law regarding local service needs, providers meeting the requirements for designation will be designated to provide CORE services.

Additional information regarding CORE services and the requirements for designation to provide CORE services, which are included in the CORE Operations Manual, are available for public inspection at: <https://omh.ny.gov/omhweb/bho/core/core-services-operations-manual.pdf>

Comments regarding this notice may be submitted until April 15, 2022 to: legal@oasas.ny.gov

PUBLIC NOTICE Department of State F-2021-0877

Date of Issuance – March 2, 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-2021-0877 the applicant, Town of Babylon, is proposing the installation of rock revetment, coir logs and plantings for shoreline stabilization at Tanner Park. Construction of approximately 386 linear feet of rock revetment with shoreline plantings and approximately 412 linear feet of coir log. The project is proposed at Tanner Park at 400 Baylawn Avenue in the Town of Babylon, Suffolk County, on the Great South Bay.

The purpose of the project is to stabilize the existing unprotected shoreline for Tanner Park.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-0877.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., 15 days from the date of publication of this notice or March 17, 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-2021-1012

Date of Issuance – March 2, 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-2021-1012 the applicant, Celeste Morin, is proposing the installation 240 feet of rock sill breakwater, clean fill and native plantings. Site to be graded at an 8H:1V slope with native plantings landward of rock sill breakwater. The project is proposed at 45 Prospect Road in the Town of Huntington, Suffolk County, on the Centerport Mill Pond.

The purpose of the project is to stabilize the existing unprotected shoreline.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/02/f-2021-1012.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 April 1, 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-2021-1184

Date of Issuance – March 2, 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-2021-1184, Mary McCreight is proposing to construct a 6'x100' chocked floating dock. The site is located on Northport Bay, at 89 Asharoken Avenue, Northport, NY, 11768, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-1184mccreight.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 April 1, 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-2022-0026

Date of Issuance – March 2, 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-2022-0026, PWIB Claudio Real Estate, LLC is proposing a 10 year general maintenance permit to maintain all existing marine structures by repairing or replacing bulkheads, docks and piling as needed. The project site is located at 111 Main Street, Greenport, NY, 11944 on Greenport Harbor.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2022-0026pwib.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 April 1, 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-2022-0077 (DA)

Date of Issuance – March 2, 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 United States Army Corps of Engineers (USACE), New York District (District) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant’s consistency determination and accompanying supporting 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-2022-0077 (DA) - The United States Army Corps of Engineers (USACE), New York District (District) in cooperation with the Port Authority of New York and New Jersey (PANYNJ), is undertaking a feasibility study to examine deepening, widening and bend easing measures to improve navigation within the footprint of the constructed 50-foot channel for the Harbor Deepening Channel Improvements (HDCI) project.

The District is currently preparing the Final Integrated Feasibility Report/Environmental Assessment (IFR/EA). The Recommended Plan is deepening the pathways to Elizabeth – Port Authority Marine Terminal and Port Jersey – Port Authority Marine Terminal by 5 feet up to a maintained depth of -55 feet MLLW. The Recommended Plan involves deepening Ambrose Channel, Anchorage Channel, the Kill Van Kull, Newark Bay Channel, South Elizabeth Channel, and Elizabeth Channel, and Port Jersey Channel. This includes the additional width required for structural stability and for the navigation of the design vessel to transit from sea to Elizabeth Port Authority Marine Terminal and Port Jersey Port Authority Marine Terminal.

According to the USACE, The Recommended Plan reflects the least cost dredged material placement plan, which includes beneficially using dredged material by placing it either upland, at the Historic Area Remediation Site, or on a reef. USACE is committed to beneficially using the dredged material that would be generated as a result of implementing the Recommended Plan. While this report assumes the least cost placement option for study purposes, the final placement decisions would be made during the Preconstruction Engineering and Design phase. The beneficial use placement locations will be determined based on the type of material (e.g. sand, silt, rock), volume needed at a particular project location, suitability of the material as established through testing and consistent with the Dredged Material Management Plan for the Port of New York and New Jersey Update, and in coordination with federal, state, and local stakeholders. All viable beneficial use placement locations be screened and selected as soon as reasonably practicable during Preconstruction Engineering and Design. Additionally, USACE will develop a supplemental project-specific Dredged Material Management Plan during Preconstruction Engineering and Design to identify the full array of opportunities that coincide with the production of the dredged material.

The agency’s consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2022-0077daconsistencydetermination.pdf> or at <https://dos.ny.gov/public-notice>

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.

More information regarding this project can be also be found on the USACE website at: <https://www.nan.usace.army.mil/Missions/Navigation/New-York-New-Jersey-Harbor/NY-NJ-HDCI/>

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 from the date of publication of this notice, or by April 1, 2022.

Comments should be addressed to: Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite, 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572. Comments can also be submitted electronically 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.

2021-0350 Matter of Ross and Baruzzini, 110 William Street, 29th Floor, New York, NY 10038, for a variance concerning safety requirements, including communications equipment. Involved is an existing building located at 42nd Street and Vanderbilt Avenue, Borough of Manhattan, City of New York, State of New York.

2021-0527 Matter of Amanda Mnich, 892 Burrirt Road, Hilton, NY, 14468, for a variance concerning safety requirements, including required water supply. Involved is a single-family dwelling located at 892 Burrirt Road, Town of Parma, County of Monroe, State of New York.

2021-0569 Matter of Daniel Adams, 604 Wild Mallard Trail, Webster, NY 14580, for a variance concerning safety requirements, including permanent barriers. Involved is a single-family dwelling located at 604 Wild Mallard Trail, Town of Webster, County of Monroe, State of New York.

2021-0570 Matter of Bank of America, 101 North Tryon Street, Charlotte, NC 28255, for a variance concerning safety requirements, including rooftop drainage. Involved is an existing building located at 2824 West Ridge Road, Town of Greece, County of Monroe, State of New York.

2021-0628 Matter of Monroe County Parks Department, 171 Reservoir Avenue, Rochester, NY 14620, for a variance concerning safety requirements, including plumbing fixtures. Involved is a building located at 512 Bay Front South, Town of Irondequoit, County of Monroe, State of New York.

2021-0633 Matter of MTA - NYCT, Leonid Powerman, Two Broadway, 6B.14, New York, NY 10004, for a variance concerning safety requirements, including stair riser height. Involved is an existing building located at 168th Street and Broadway, Borough of Manhattan, City of New York, State of New York.

2022-0010 Matter of Matter of West Creek Lodge and Party House, 41 Salmon Creek Drive, Hilton, NY 14468, for a variance concerning safety requirements, including required water supply. Involved is an existing building located at 447 Manitou Road, Town of Parma, County of Monroe, State of New York.

2022-0027 Matter of Pathfinder Engineers and Architects LLP, 134 South Fitzhugh Street, Rochester, NY 14608, for a variance concerning safety requirements, including plumbing fixtures. Involved is an existing building located at 1111 Elmwood Avenue (Building 60), City of Rochester, County of Monroe, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless other-

wise 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.

2021-0419: Matter of Skanska USA Civil Northeast, Inc., 75-20 Astoria Blvd., Suite 200, Queens, NY 11370, for a variance concerning energy code requirements. Involved is an existing building located at 392 Seventh Avenue, Penn Plaza, Borough of Manhattan, City of New York, State of New York.

2021-0627: Matter of Passero Associates, 242 West Main Street, Suite 100, Rochester, NY 14614, for a variance concerning safety requirements, including height and story limitations. Involved is an existing building located at 36 West Main Street, City of Rochester, County of Monroe, State of New York.

2022-0081: Matter of Burberry Mitchell, 299 Maidstone Drive, Webster, NY 14580, for a variance concerning safety requirements, including barrier requirements. Involved is an existing one-family dwelling located at 299 Maidstone Drive, Town of Webster, County of Monroe, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0062 Matter of Brian Levine, 15 Winmere Place, Dix Hills, NY 11746, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 15 Winmere Place, Dix Hills, Town of Huntington, NY 11746, County of Suffolk, State of New York.

2022-0063 Matter of Daniel Hawes, Eight Avalon Court, Huntington Station, NY 11746, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 179 E. 17th Street, Huntington Station, Town of Huntington, NY 11746, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0064 in the Matter of Kristen Renzulli, 31 Overlook Dr., Chappaqua, NY 10514, for a variance concerning safety requirements, including replacing the existing stairway. Involved is a one family dwelling located at Eight Clinton Street, Village of Pleasantville, NY 10570, County of Westchester, State of New York.

2022-0065 in the Matter of Moe's Motor Cars LLC, Mohammad M. Waheed, 454 Hurley Ave, Hurley, NY 12443, for a variance concerning safety requirements, including the requirements for a bathroom in a single-story office trailer located at 454 Hurley Ave, Town of Ulster, NY 12443, County of Ulster, State of New York.

2022-0066 in the Matter of Comito Homes LLC, Marc Comito, 87 Sixth Ave, Nyack, NY 10960, for a variance concerning safety requirements, including the windowsill height in a one family dwelling located at 87 Sixth Ave, Village of Nyack, NY 10960, County of Rockland, State of New York.

2022-0067 in the Matter of Joseph J. Haspel, Esq, Joseph J Haspel, 39 Casimer Road, Middletown, NY 10941, for a variance concerning safety requirements, including fire apparatus. Involved is a four story building located at 52 Commerce Drive, Village of Harriman, NY 10926, County of Orange, State of New York.

2022-0068 in the Matter of Construction Expediting Inc., Kalman Herskovits, 134 Route 59, Suite 201, Suffern, NY 10901, for a variance concerning safety requirements, including the egress within the property line. Involved is a three-story townhouse located at Six Lanzut Court, Monsey, NY 10952, County of Rockland, State of New York.

2022-0069 in the Matter of Construction Expediting Inc., Kalman Herskovits, 134 Route 59, Suite 201, Suffern, NY 10901, for a variance concerning safety requirements, including the ariel apparatus road located at Eight Hammond Street, Monsey, NY 10952, County of Rockland, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0070 in the Matter of KG&D Architects, Russel Davidson, 285 Main Street, Mount Kisco, NY 10549, for a variance concerning safety requirements, including expansion of non-conforming fire area. Involved is an existing building located at Two Siwanoy Blvd, Eastchester, NY 10709, County of Westchester, State of New York.

2022-0076 in the Matter of Deeb Properties Inc., Issa Deeb, 47 Laffin Lane, Poughkeepsie, NY 12603, for a variance concerning safety requirements, including the basement ceiling height. Involved is a single-family dwelling located at 22 Dorliss Drive, Town of Poughkeepsie, NY 12601, County of Dutchess, State of New York.

2022-0077 in the Matter of Timothy P. Lener, Architect, Timothy P. Lener, 57 Wheeler Avenue, Suite 203, Pleasantville, NY 10570, for a variance concerning safety requirements, including the duct height in the basement. Involved is a single-family dwelling located at 49 Martling Avenue, Village of Pleasantville, NY 10570, County of Westchester, State of New York.

2022-0078 in the Matter of Construction Expediting Inc., Kalman Herskovits, 134 Route 59, Suite 201, Suffern, NY 10901, for a variance concerning safety requirements, including the ariel apparatus road. Involved is a three story townhouse located at 14 Hammond Street, Monsey, NY 10952, Town of Ramapo, County of Rockland, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0071 Matter of Jean Daniel Bourgeacq, 117 Darrow Lane, Greenlawn, NY 11740, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 117 Darrow Lane, Greenlawn, Town of Huntington, NY 11740, County of Suffolk, State of New York.

2022-0072 Matter of Victoria Morelli Architecture, Victoria Morelli, RA, 108 Voorhis Avenue, Rockville Centre, NY 11570, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 16 Blenheim Court, Village of Rockville Centre, NY 11570, County of Nassau, State of New York.

2022-0073 Matter of Permit Guy, Steve Caputo, P.O. Box 1445, Westhampton Beach, NY 11978, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at Eight Farm Lane, Westhampton, Town of Southampton, NY 11977, County of Suffolk, State of New York.

2022-0074 Matter of Elsasser Expediting Services, John Roy, 1134B Route 25, Selden, NY 11784, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 19 Days Avenue, Selden, Town of Brookhaven, NY 11784, County of Suffolk, State of New York.

