
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on May 22, 2022
- the 45-day period expires on May 7, 2022
- the 30-day period expires on April 22, 2022

**KATHY HOCHUL
GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Department of Agriculture and Markets

EMERGENCY RULE MAKING

Control of the Box Tree Moth (*Cydalima Perspectalis*)

I.D. No. AAM-52-21-00001-E

Filing No. 157

Filing Date: 2022-03-08

Effective Date: 2022-03-09

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

Action taken: Addition of Part 143 to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18, 164 and 167

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

Specific reasons underlying the finding of necessity: This proposed rule adopts a new Part 143 of 1 NYCRR to establish a quarantine to regulate the human assisted movement of the Box Tree Moth (*Cydalima perspectalis*) (Walker, 1859) (BTM), in areas with evidence of infestation, and in areas at high risk of infestation due to their proximity to the international border with the province of Ontario, Canada, where a BTM infestation exists. The regulations are necessary to balance pest risk against economic impacts and allow regulatory officials to assess the BTM population in New York State and ascertain if the provincial or federal government in Canada will mirror this BTM management approach. Absent action in Canada, the BTM is likely to be continually reintroduced into Western New York, and destroy the *Buxus* species, a common plant used in the professional landscaping industry.

These regulations will also allow researchers to perfect integrated pest management techniques, such as sterile release of males and or identification of specific predators or parasitoids which reduce the population of BTM to a safer level. The immediate adoption of this rule is necessary to mitigate negative economic and ecological impacts that will result if BTM is allowed to spread further into New York State.

Subject: Control of the Box Tree Moth (*Cydalima perspectalis*).

Purpose: To help control the spread of the Box Tree Moth, which infests certain landscaping host plants, rendering them unmarketable.

Substance of emergency rule (Full text is posted at the following State website: <https://agriculture.ny.gov/plant-industry/express-terms-box-tree-moth>): This regulation adds a new Part 143 to 1 NYCRR, establishing controls to help prevent the spread in New York of the Box Tree Moth, an insect nonindigenous to the United States, which infests the *Buxus* plant species (host material), rendering it non-viable and unmarketable.

A summary of each section of the rule follows:

Section 143.1: Definitions. This is the definition section.

Section 143.2: Establishment and amendment of regulated and quarantine area map. This section establishes the quarantined areas by map and narrative description and requires that any change to the quarantine area must be done by regulation.

Section 143.3: Movement of regulated articles within regulated and quarantine areas. This section sets forth the parameters for movement of the *Buxus* host plant within the regulated and quarantine areas.

Section 143.4: Restrictions on intrastate movement of regulated articles originating within or traveling through regulated or quarantine areas. This section prohibits any person from moving the regulated articles from the regulated or quarantine areas to or through to any point outside the regulated or quarantine areas, unless accompanied by a compliance agreement, valid limited permit, certificate of inspection, administrative instructions from the Commissioner of the Department authorizing such movement, or for experimental or scientific purposes. This section also provides that any host material from outside the regulated or quarantine areas may be moved through the regulated or quarantine areas, provided the points of origin and destination are set forth on the waybill, or the host material is being moved directly through the regulated area without stops, except for refueling and traffic conditions.

Section 143.5: Conditions governing compliance agreements for movement of regulated articles out of regulated or quarantine areas. This section addresses conditions governing compliance agreements for movement of the host material out of the regulated or quarantine areas. It provides that persons moving host material intrastate may apply for a compliance agreement with the Department, which would eliminate the requirement of inspections prior to each movement of host material.

Section 143.6: Conditions governing limited permits and certificates of inspection for movement of regulated articles out of regulated or quarantine areas. This section sets forth conditions governing limited permits and certificates of inspection for the movement of host material out of quarantine or regulated areas. With a limited permit, host materials can be moved from the regulated or quarantine areas. An inspector or an authorized holder of a compliance agreement may issue a limited permit if the host material has been treated using approved control measures; and the host material is otherwise eligible for unrestricted movement under all other applicable state plant quarantines and regulations. An inspector may issue a certificate of inspection if such inspector has determined the host material to be free of infestation; or treated by approved control methods.

Section 143.7: Exemptions. This section authorizes the intrastate movement of host material for experimental or scientific purposes, provided the Department's conditions and safeguards are met. Additionally, the container holding the host material shall bear an identification tag issued by the Department, showing compliance with the conditions and safeguards. This section also allows for the application for a Commissioner Administrative Exemption to allow for the one-time movement of host material outside the quarantine area.

Section 143.8. Assembly of Regulated Articles for Inspection. All persons intending to conduct intrastate movement of a regulated article, unless subject to an applicable compliance agreement, limited permit, certificate of inspection, or applicable exemption, shall make an application for inspection as far in advance as possible to permit the movement of host material outside the quarantine area.

Section 143.9: Marking Requirements. Every container of host material intended for intrastate movement shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a valid certificate (or limited permit) issued in compliance with this Part.

Section 143.10. Inspection and disposition of shipments. Any vehicle or other conveyance may be subject to an inspection by an inspector. Inspector may take any such action deemed necessary to eliminate potential dissemination of infested articles.

Section 143.11: Other laws and regulations; interstate movement of regulated articles. Limits the applicability of this Part to the intrastate movement of host material. The interstate movement of host material must comply with applicable federal laws and regulations.

Section 143.12: Effective date. This regulation shall take effect immediately.

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. AAM-52-21-00001-EP. Issue of December 29, 2021. The emergency rule will expire May 6, 2022.

Text of rule and any required statements and analyses may be obtained from: Christopher Logue, Director, Division of Plant Industry, Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-2087, email: christopher.logue@agriculture.ny.gov

Regulatory Impact Statement

1. Statutory authority:

Section 18 of the Agriculture and Markets Law provides, in part, that the Commissioner may enact, amend and repeal necessary rules which shall provide generally for the exercise of the powers and performance of the duties of the Department as prescribed in the Agriculture and Markets Law and the laws of the State, and for the enforcement of their provisions and the provisions of the rules that have been enacted to implement these laws.

Section 164 of the Agriculture and Markets Law provides, in part, that the Commissioner shall take such action as he may deem necessary to control or eradicate any injurious insects, noxious weeds, or plant diseases existing within the State.

Section 167 of the Agriculture and Markets Law provides, in part, that the Commissioner is authorized to make, issue, promulgate and enforce such order, by way of quarantines or otherwise, as he may deem necessary or fitting to carry out the purposes of Article 14 of said Law. Section 167 also provides that the Commissioner may adopt and promulgate such rules and regulations to supplement and give full effect to the provisions of Article 14 of the Agriculture and Markets Law.

2. Legislative objectives:

These proposed regulations are consistent with the public policy objectives the Legislature sought to advance by enacting the statutory authority, namely, preventing the spread within the State of an injurious insect, such as the Box Tree Moth (hereinafter "BTM").

3. Needs and benefits:

The BTM (*Cydalima perspectalis*) (Walker, 1859), an insect species nonindigenous to the United States, is native to eastern Asia, including Japan, China, the Russian Far East, Korea, and India. This insect was introduced into Ontario from Europe in 2018. In 2021, 19 states received shipments of nursery stock from Canada which were exposed to BTM. In August 2021, BTM adults were found in traps placed in high-risk locations in Niagara County near the international border with Ontario, Canada. Traps have yielded adults throughout Niagara County and multiple life stages of BTM have been observed on residential properties via visual survey and public reporting. The Department and USDA have agreed that placing quarantine restrictions on Erie, Niagara and Orleans County will allow the agencies to do a thorough assessment of the population of BTM, allow for a reasonable buffer zone to be developed and maintained and develop treatment and control options. BTM eggs are pale yellow and are laid on the leaves. BTM caterpillars are green and yellow with white, yellow and black stripes and black spots. The caterpillars infest and feed on the underside of the boxwood leaves and weave the leaves together. Once the leaves are gone, larvae consume the stems and bark, leading to girdling and plant death. The pupae are often found among the woven, damaged leaves. The adult BTM is generally white, with a brown border around the wings. About 5-10% of the adult moths are entirely brown with white commas on the forewings. BTM were introduced into

Germany in 2006 and have subsequently spread throughout Europe. In North America, BTM was first detected in Toronto, Canada in November 2018. High risk areas for the BTM spread in western New York have been monitored throughout 2020. In July 2021, the first adult BTM was collected from a trap in Lewiston, New York. Subsequent visual surveys documented a population of BTM on a residential property in Youngstown, New York. The trap catches in New York are likely natural range expansion from the infested area in Ontario, Canada.

Buxus nursery stock, cut Buxus greens and trimmings or fallen leaves are capable of harboring BTM living life stages, and are the most likely manner in which BTM has spread long distances. Buxus production is currently valued nationally at \$141 million dollars per year, and damage to the species attributable to BTM has been observed in New York. There are no native Buxus species growing in the wild in North America, therefore, the host plant material is restricted to maintained landscapes and nurseries where Buxus is propagated and grown. Due to the lack of wild Buxus species, BTM is capable of more effective regulatory control than some other invasive species.

This proposed rule adopts a new Part 143 of 1 NYCRR to establish a quarantine to regulate the human assisted movement of the BTM, in areas with evidence of BTM infestation, and in areas at high risk of infestation due to their proximity to the international border with the province of Ontario, Canada (Erie, Niagara, and Orleans). The regulations are necessary to balance pest risk against economic impacts and allow regulatory officials to assess the population in New York State and ascertain if the provincial or federal government in Canada will mirror this BTM management approach. Absent action in Canada, BTM is likely to be continually reintroduced into Western New York, and destroy the Buxus species. These regulations will also allow researchers to perfect integrated pest management techniques for BTM, such as sterile release of males and or identification of specific predators or parasitoids which reduce the population of BTM to a safer level. The immediate adoption of this rule is necessary to mitigate negative economic and ecological impacts that will result if BTM is allowed to spread further into New York State.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: Regulated parties exporting regulated articles, other than pursuant to compliance agreements, would require an inspection of the materials, reviewing shipment records and issuing a federal or state certificate of inspection. These services are available at a rate of \$25 per hour. Most inspections will take one hour or less. However, most shipments would be made pursuant to compliance agreements, for which there is no charge. A regulated plant grower or dealer may incur sales losses due to geographic market limitations. A grower or dealer who chooses to pre-emptively destroy Buxus stock may incur product losses and disposal costs. There are other landscape plants which serve a similar purpose and have similar appearance that are suitable replacements for Buxus.

There is currently no approved protocol for the treatment of and certification of regulated Buxus to leave the quarantine. Regulated parties may choose to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. However, the proposed rule contemplates relaxing the regulatory restriction on the movement of host plants once one is available.

Residential and commercial property owners with Buxus plants in their landscapes will incur the cost of treatment or removal of Buxus. The costs associated with treatments and removals are dependent on the size and number of the specimen.

Landscape maintenance businesses will have the option of leaving host materials within the quarantine area, chipping the material, or transporting the material to an approved disposal site within the quarantine area.

(b) Costs to the agency, the State and local governments for the establishment and implementation of the rule: Local governments within the quarantine area will not incur any additional expenses due to the quarantine, other than incidental costs related to property maintenance. While some local governments may face incidental expenses in landscape maintenance since Buxus plants are relatively common in residential and commercial landscapes, the rule neither requires local governments to remove the Buxus plants from the quarantine area nor contemplates any regulatory actions to be undertaken by local governments. There are no costs to the agency or state governments other than the cost of providing an inspector, as described in the regulations.

(c) The information, including the sources of such information and the methodology upon which the cost analysis is based: The costs analysis set forth above is based upon observations of the industry.

5. Local government mandates:

These proposed rules will not impose any program, service, duty, additional costs, or responsibility on any county, city town, village school district, fire district, or other special district.

6. Paperwork:

Plant growers and dealers within the quarantine area desiring to

continue the production or sale of Buxus nursery stock will be required to enter into compliance agreements with state and federal authorities to grow, sell, ship, and move regulated articles (e.g. Buxus nursery stock, cut Buxus used for decorative purposes) within the quarantine area.

7. Duplication:

These proposed rules do not duplicate existing State or federal requirements.

8. Alternatives:

The alternative of no action was considered. However, this option is not feasible, given the threat BTM poses to the boxwood component of the nation's \$141 million nursery and landscape industries. The establishment of a larger quarantine area consisting of additional counties, including a state-wide quarantine, was considered. This option was rejected, as it would regulate businesses in areas without evidence of infestation, based on available survey data. Accordingly, by limiting the BTM quarantine to areas at highest risk of natural spread from Canada, the rule minimizes economic impacts while maintaining, and without compromising, efforts to slow the human assisted spread of BTM.

9. Federal standards:

The state quarantine and regulations are harmonized with the proposed federal rule.

10. Compliance schedule:

It is anticipated that regulated parties would be able to comply with the regulations immediately.

Regulatory Flexibility Analysis

1. Effect of rule:

This proposed rule adopts a new Part 143 of 1 NYCRR to establish a quarantine to regulate the human assisted movement of the BTM, in areas with evidence of BTM infestation, and in areas at high risk of infestation due to their proximity to the international border with the province of Ontario, Canada (Erie, Niagara, and Orleans).

There are 368 registered nursery growers and 498 registered plant dealers in the newly established quarantine areas. However, only a small fraction of these businesses are believed to handle or sell the Buxus plant. Current registration and inspection data indicates that 61 growers and 52 dealers have recently grown or sold Buxus. The rule may also impact landscape contractors and maintenance firms, which are not required to register with the Department.

There is currently no approved protocol for the treatment of and certification of regulated Buxus to leave the quarantine. Regulated parties may choose to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. Nevertheless, the proposed rule provides the flexibility to permit the relaxation of the regulatory restriction on the movement of host plants once a treatment becomes available.

Local governments within the quarantine area will not incur any additional expenses due to the quarantine, other than incidental costs related to property maintenance. While some local governments may face incidental expenses in landscape maintenance since Buxus plants are relatively common in residential and commercial landscapes, the rule neither requires local governments to remove the Buxus plants from the quarantine area nor contemplates any regulatory actions to be undertaken by local governments.

2. Compliance requirements:

Plant growers and dealers within the quarantine area desiring to continue the production or sale of Buxus nursery stock will be required to enter into compliance agreements with state and federal authorities to grow, sell, ship, and move regulated articles (e.g. Buxus nursery stock, cut Buxus used for decorative purposes) within the quarantine area.

There is currently no approved protocol for the treatment of and certification of regulated Buxus to leave the quarantine areas. Currently, the proposed regulation allows regulated parties to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. The proposed rule provides the flexibility to permit the relaxation of the restriction on the movement of host plants once a treatment becomes available.

3. Professional services:

There are no additional professional services required as a result of this regulation.

4. Compliance costs:

(a) Initial capital costs that will be incurred by a regulated business or industry or local government to comply with the proposed rule: Small businesses and local governments exporting regulated articles, other than pursuant to compliance agreements, would require an inspection of the materials, reviewing shipment records and issuing a federal or state certificate of inspection. These services are available at a rate of \$25 per hour. Most inspections will take one hour or less. However, most shipments would be made pursuant to compliance agreements, for which there is no charge.

A regulated plant grower or dealer may incur sales losses due to

geographic market limitations. A grower or dealer who chooses to pre-emptively destroy Buxus stock may incur product losses and disposal costs. There are other landscape plants which serve a similar purpose and have similar appearance that are suitable replacements for Buxus.

There is currently no approved protocol for the treatment of and certification of regulated Buxus to leave the quarantine. Regulated parties may choose to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. However, the proposed rule contemplates relaxing the regulatory restriction on the movement of host plants once one is available.

Residential and commercial property owners with Buxus plants in their landscapes will incur the cost of treatment or removal of Buxus. The costs associated with treatments and removals are dependent on the size and number of the specimen.

Landscape maintenance businesses will have option of leaving host materials within the quarantine area, chipping the material, or transporting the material to an approved disposal site within the quarantine area.

(b) Annual cost for continuing compliance with the proposed rule: It is anticipated that the rule will have no annual cost for continuing compliance other than those described above.

5. Economic and technological feasibility:

The economic and technological feasibility of compliance with the proposed rule by small businesses and local governments has been addressed. The basis for this determination is that the Department will provide regulated parties with any paperwork required under this rule and will not compel regulated parties to utilize any specialized technology.

6. Minimizing adverse impact:

The proposed rule targets only the infested county (Niagara County) and two additional contiguous high-risk counties. The establishment of a larger quarantine area consisting of additional counties, including a state-wide quarantine, was considered. This option was rejected, as it would regulate businesses in areas without evidence of infestation, based on available survey data. Accordingly, by limiting the BTM quarantine to areas at highest risk of natural spread from Canada, the rule minimizes economic impacts while maintaining, and without compromising, efforts to slow the human assisted spread of BTM.

The Department has also sought to minimize adverse impact of the BTM quarantine through compliance agreements between the Department and regulated parties in rural areas and limited permits, which allow the shipment of regulated articles without state or federal inspection and for which there is no charge. The proposed rule also contemplates relaxing the regulatory restriction on the movement of host plants once an approved treatment is available. Regulated parties may choose to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. Given all of the facts and circumstances, the regulations minimize adverse economic impact as much as is currently possible.

7. Small business and local government participation:

Department officials have been monitoring BTM in high-risk establishments in the quarantine for two years, including the trapping and surveying for BTM in high-risk locations in western New York. The Department has communicated with nursery growers, including small business owners, regarding the risk that the BTM poses to producers in the region. The Department will continue to work with regulated parties to further minimize any identified impacts and work with regulated parties to pursue treatment options that would permit the movement of regulated articles more easily in the future. The Department also plans to continue to keep stakeholder groups informed concerning this proposed rule and will incorporate information about this rule into industry and trade meetings over the winter months.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

There are 368 registered nursery growers and 498 registered plant dealers in the newly established quarantine areas. However, only a small fraction of these businesses are believed to handle or sell the Buxus plant. Current registration and inspection data indicates that 61 growers and 52 dealers have recently grown or sold Buxus. It is estimated that a large majority of these growers and dealers are located within rural areas, consisting of approximately 80% of all growers and dealers within the quarantine area. The rule may also impact landscape contractors and maintenance firms, which are not required to register with the Department.

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

Plant growers and dealers within the quarantine area desiring to continue the production or sale of Buxus nursery stock will be required to enter into compliance agreements with state and federal authorities to grow, sell, ship, and move regulated articles (e.g. Buxus nursery stock, cut Buxus used for decorative purposes) within the quarantine area.

There is currently no approved protocol for the treatment of and certification of regulated Buxus to leave the quarantine areas. Currently, the

proposed regulation allows regulated parties to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. The proposed rule provides the flexibility to permit the relaxation of the restriction on the movement of host plants once a treatment becomes available.

3. Costs:

Regulated parties in rural areas exporting regulated articles, other than pursuant to compliance agreements, would require an inspection of the materials, reviewing shipment records and issuing a federal or state certificate of inspection. These services are available at a rate of \$25 per hour. Most inspections will take one hour or less. However, most shipments would be made pursuant to compliance agreements, for which there is no charge. A regulated plant grower or dealer may incur sales losses due to geographic market limitations. A grower or dealer who chooses to pre-emptively destroy Buxus stock may incur product losses and disposal costs. There are other landscape plants which serve a similar purpose and have similar appearance that are suitable replacements for Buxus.

There is currently no approved protocol for the treatment of and certification of regulated Buxus to leave the quarantine. Regulated parties may choose to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. However, the proposed rule contemplates relaxing the regulatory restriction on the movement of host plants once one is available.

4. Minimizing adverse impact:

The proposed rule targets only the infested county (Niagara County) and two additional contiguous high-risk counties. The establishment of a larger quarantine area consisting of additional counties, including a state-wide quarantine, was considered. This option was rejected, as it would regulate businesses in areas without evidence of infestation, based on available survey data. Accordingly, by limiting the BTM quarantine to areas at highest risk of natural spread from Canada, the rule minimizes economic impacts while maintaining, and without compromising, efforts to slow the human assisted spread of BTM.

The Department has also sought to minimize adverse impact of the BTM quarantine through compliance agreements between the Department and regulated parties in rural areas and limited permits, which allow the shipment of regulated articles without state or federal inspection and for which there is no charge. The proposed rule also contemplates relaxing the regulatory restriction on the movement of host plants once an approved treatment is available. Regulated parties may choose to stop the sale of Buxus nursery stock or delay planting Buxus until such time as an approved treatment is available. Given all of the facts and circumstances, the regulations minimize adverse economic impact as much as is currently possible.

5. Rural area participation:

Department officials have been monitoring BTM in high-risk establishments in the quarantine for two years, including the trapping and surveying for BTM in high-risk locations in western New York. The Department has communicated with nursery growers, including those in rural areas regarding the risk that the BTM poses to producers in the region. The Department will continue to work with regulated parties to further minimize any identified impacts and work with regulated parties to pursue treatment options that would permit the movement of regulated articles more easily in the future. The Department also plans to continue to keep stakeholder groups informed concerning this proposed rule and will incorporate information about this rule into industry and trade meetings over the winter months.

Job Impact Statement

This rule establishes the Box Tree Moth (BTM) quarantine in Niagara, Erie and Orleans counties, necessary to prevent the further establishment and spread of BTM into New York State. There are 368 registered nursery growers and 498 registered plant dealers in the newly established quarantine areas. However, only a small fraction of these businesses are believed to handle or sell the Buxus plant. Current registration and inspection data indicates that 61 growers and 52 dealers have recently grown or sold Buxus. The rule may also impact landscape contractors and maintenance firms, which are not required to register with the Department. The Department has limited the quarantine area to the maximum extent possible to avoid any potential adverse effect arising from this regulation.

Implementation of the BTM quarantine is designed to prevent the further spread of this pest to other parts of the State, thereby helping to prevent adverse economic consequences to those areas by preserving jobs and employment opportunities associated with the production and sale of the Buxus plant within New York's nursery and landscape industry.

Assessment of Public Comment

The agency received no public comment.

Office of Alcoholism and Substance Abuse Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Designated Services

I.D. No. ASA-12-22-00005-P

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

Proposed Action: Amendment of Part 830 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 1.03(6), 19.07(c), (e), 19.09(b), 19.21(d), 32.01, 32.05(b), 32.07(a), 32.09(b); Education Law, art. 160; Public Health Law, art. 29-G, section 3351; 21 USC, section 3351; Executive Law, art. 15

Subject: Designated Services.

Purpose: To add new Adolescent Program Endorsement and new Ancillary Withdrawal Designation.

Substance of proposed rule (Full text is posted at the following State website: <https://oasas.ny.gov/legal>): In addition to technical amendments updating this regulation consistent with Title 14, the Proposed Rule amends Part 830 as follows:

§ 830.7 Adolescent Outpatient Program Endorsement. Adds standards for programs to obtain an optional Adolescent Endorsement.

§ 830.8 Ancillary Withdrawal Outpatient Designation. Adds standards for programs to obtain an optional Ancillary Withdrawal Outpatient Designation.

§ 830.9 Open Access Services Designation. Add standards for programs to obtain an optional designation for the provision of open access services.

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 1.03(6) of the Mental Hygiene Law defines "facility" as any place in which services for the mentally disabled are provided.

(b) Section 19.07(c) of the Mental Hygiene Law authorizes the commissioner to adopt standards ensuring the personal and civil rights of persons seeking and receiving addiction services, care, treatment and rehabilitation are adequately protected.

(c) Section 19.07(e) of the Mental Hygiene Law authorizes the commissioner to adopt standards including necessary rules and regulations pertaining to chemical dependence services.

(d) Section 19.09(b) of the Mental Hygiene Law authorizes the commissioner to adopt regulations necessary and proper to implement any matter under his or her jurisdiction.

(e) Section 19.21(d) of the MHL requires the Office to establish reasonable performance standards for providers of services certified by the Office.

(f) Section 32.01 of the Mental Hygiene Law authorizes the commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(g) Section 32.05(b) of the MHL provides that a controlled substance designated by the commissioner of the New York State Department of Health (DOH) as appropriate for such use may be used by a physician to treat a chemically dependent individual pursuant to section 32.09(b) of the MHL.

(h) Section 32.07(a) of the MHL authorizes the commissioner to adopt regulations to effectuate the provisions and purposes of Article 32 of the MHL.

(i) Section 32.09(b) of the MHL provides that the commissioner may, once a controlled substance is approved by the commissioner of DOH as appropriate for such use, authorize the use of such controlled substance in treating a chemically dependent individual.

(j) Article 160 of the Education Law provides for the licensure or certification of acupuncturists and limited practice of unlicensed persons in treatment of substance use disorder.

(k) Article 29-G of the Public Health Law relates to reimbursement for health care services delivered via “telehealth.”

(l) Section 3351 of the Public Health Law authorizes the prescribing or dispensing of controlled substances for the purposes of substance use disorder treatment.

(m) Section 829 of Title 21 of the United States Code governs the law concerning internet prescribing of controlled substances.

(n) Article 15 of the Executive Law enacts the Human Rights Law prohibiting discrimination against protected classes of New Yorkers including on the basis of sexual orientation and gender identity or expression.

2. Legislative Objectives: The legislature has authorized OASAS to establish standards and regulations governing the provision of addiction services, including the provision of medications for addiction treatment, as well as standards for providers seeking to offer such services. The amendments to Part 830 add three new designations for providers to obtain if they meet the standards and wish to do so. They include the Adolescent Endorsement, the Ancillary Withdrawal Designation and the Open Access Services Designation.

3. Needs and Benefits: The designations and program endorsement allow programs the option of meeting the standards for an additional optional designation and/or program endorsement. The regulatory amendments serve as a formal means of identifying adolescent programs in the OASAS system, and/or those that offer ancillary withdrawal services and/or open access services in outpatient settings for providers certified pursuant to Part 822 and meet the standards in the regulation. The addition of these optional designations and endorsement make it easier for those seeking OASAS services to identify programs providing specific services.

4. Costs: No additional administrative costs to the State, local governments, or the agency are anticipated.

5. Paperwork: There is no additional paperwork beyond what is already required. The adolescent endorsement, ancillary withdrawal designation and open access services designation are optional for providers and therefore any additional paper work required will not create additional burdens.

6. Local Government Mandates: There are no new local government mandates.

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

8. Alternatives: The alternative is to leave the regulation as it currently reads, without options for either the adolescent endorsement or ancillary withdrawal or open access services designations. Not creating a distinction for OASAS certified programs that meet these additional requirements for the designations and endorsement may have the effect of limiting access to appropriate care.

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

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

Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because all designations, including the new Adolescent Endorsement, Ancillary Withdrawal Designation and Open Access Services Designation, in the regulation are optional for providers that are already certified by the Office.

Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because all designations, including the new Adolescent Endorsement, Ancillary Withdrawal Designation and Open Access Services Designation in the regulation are optional for providers that are already certified by the Office.

Job Impact Statement

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because all designations, including the new Adolescent Endorsement, Ancillary Withdrawal Designation and Open Access Services Designation, in the regulation are optional for providers that are already certified by the Office.

Office of Children and Family Services

NOTICE OF WITHDRAWAL

To Establish Minimum Standards to Control the Spread of COVID-19

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

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

Action taken: Notice of proposed rule making, I.D. No. CFS-52-21-00002-EP, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on December 29, 2021

Subject: To establish minimum standards to control the spread of COVID-19

Reason(s) for withdrawal of the proposed rule: The rule as proposed no longer conforms to guidelines provided by the NYS DOH regarding control of COVID-19.

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-21-00007-A

Filing No. 137

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the June 9, 2021 issue of the Register, I.D. No. CVS-23-21-00007-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00008-A

Filing No. 141

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00008-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00009-A

Filing No. 150

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from and to classify positions in the exempt class.

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00009-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00010-A

Filing No. 149

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

Action taken: Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00010-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00011-A

Filing No. 139

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00011-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00012-A

Filing No. 134

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from and to classify positions in the non-competitive class.

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00012-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00013-A

Filing No. 143

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00013-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00014-A

Filing No. 144

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00014-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00015-A

Filing No. 147

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00015-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-40-21-00016-A

Filing No. 148

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the October 6, 2021 issue of the Register, I.D. No. CVS-40-21-00016-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

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

Filing No. 154

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

Action taken: Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the November 3, 2021 issue of the Register, I.D. No. CVS-44-21-00003-P.

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

Text of 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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

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

Filing No. 146

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the November 3, 2021 issue of the Register, I.D. No. CVS-44-21-00004-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

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

Filing No. 136

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the November 3, 2021 issue of the Register, I.D. No. CVS-44-21-00005-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

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

Filing No. 138

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete a position from the exempt class.

Text or summary was published in the November 3, 2021 issue of the Register, I.D. No. CVS-44-21-00006-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

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

Filing No. 142

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the November 3, 2021 issue of the Register, I.D. No. CVS-44-21-00007-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-49-21-00002-A

Filing No. 140

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from and to classify positions in the non-competitive class.

Text or summary was published in the December 8, 2021 issue of the Register, I.D. No. CVS-49-21-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-49-21-00003-A

Filing No. 153

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from the exempt class.

Text or summary was published in the December 8, 2021 issue of the Register, I.D. No. CVS-49-21-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-49-21-00004-A

Filing No. 151

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from and to classify positions in the non-competitive class.

Text or summary was published in the December 8, 2021 issue of the Register, I.D. No. CVS-49-21-00004-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-49-21-00005-A

Filing No. 152

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the December 8, 2021 issue of the Register, I.D. No. CVS-49-21-00005-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-49-21-00006-A

Filing No. 145

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the December 8, 2021 issue of the Register, I.D. No. CVS-49-21-00006-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-49-21-00007-A

Filing No. 135

Filing Date: 2022-03-07

Effective Date: 2022-03-23

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the December 8, 2021 issue of the Register, I.D. No. CVS-49-21-00007-P.

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

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

Assessment of Public Comment

The agency received no public comment.

Department of Economic Development

NOTICE OF ADOPTION

Employee Training Incentive Program

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

Filing No. 133

Filing Date: 2022-03-04

Effective Date: 2022-03-23

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

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

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

Subject: Employee Training Incentive Program.

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

Text or summary was published in the December 22, 2021 issue of the Register, I.D. No. EDV-51-21-00006-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

NOTICE OF ADOPTION

Sunfish and Crappie Fishing Regulations

I.D. No. ENV-43-21-00010-A

Filing No. 155

Filing Date: 2022-03-08

Effective Date: 2022-03-31

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

Action taken: Amendment of Part 10 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0303, 11-0305, 11-0317, 11-1301, 11-1303, 11-1316 and 11-1319

Subject: Sunfish and crappie fishing regulations.

Purpose: To revise sunfish and crappie fishing regulations.

Text or summary was published in the October 27, 2021 issue of the Register, I.D. No. ENV-43-21-00010-P.

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

Text of rule and any required statements and analyses may be obtained from: Jeffrey Loukmas, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4753, (518) 402-8897, email: jeffrey.loukmas@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the Environmental Conservation Law and the State Environmental Quality Review Act, a programmatic Generic Environmental Impact Statement pertaining to these actions is on file with the Department.

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

The original Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement, as published

in the Notice of Proposed Rule Making, remain valid and do not need to be amended.

Initial Review of Rule

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

Assessment of Public Comment

A Proposed Rulemaking was released for public review on October 27, 2021 with a 60 day comment period extending through December 26, 2021. Public comment was solicited through:

- a posting of the statewide public comment period in the Environmental Notice Bulletin (ENB),
- a DEC press release distributed statewide, and
- two announcements distributed to all subscribers to the DEC Delivers Fishing Line newsletter [approximately 150,000 recipients] on October 29, 2021, and December 17, 2021.

A total of 69 public comments were received. Fifty-five comments were received on each of the three primary proposals (statewide sunfish, statewide crappie, and Big Panfish Initiative (BPI) sunfish), most of which were in support. The statewide sunfish regulation proposal received 50 comments in support and 5 in opposition, the statewide crappie proposal received 44 comments in support and 11 in opposition, and the BPI sunfish proposal received 41 comments in support and 14 in opposition. Other comments were specific to individual BPI waters, suggested other regulatory options, did not provide an opinion on the proposals, or did not apply to the proposals. Of the few comments that were specific to individual BPI waters, support was expressed for Cazenovia Lake (1 comment), Honeoye Lake (2 comments) and Silver Lake (2 comments), and opposition was expressed for Otisco Lake (1 comment) and Silver Lake (2 comments).

Comments were grouped into 8 themes. Responses to those themes are included below. Comments in support of the proposals are not included in this assessment.

Comment #1: The proposed statewide 10 inch minimum size limit for crappie is too restrictive and will make it very difficult to harvest a worthwhile number.

Response: The proposed increase in the statewide regulation from 9 inches to 10 inches is intended to improve the size quality of crappie for anglers in waters that are capable of producing fish of that size. Harvest in unproductive waters where crappies are typically small or stunted is likely limited regardless of what the minimum size limit is because few fish can reach sizes desirable to anglers.

Comment #2: Further limiting harvest of these panfish will be counter-productive and result in overabundant, stunted populations.

Response: A stunted fish population is one that is overpopulated with a subsequent reduced growth rate and high natural mortality, resulting in few fish reaching sizes that are desirable to anglers. It is generally caused by excessive reproduction, insufficient predation on juvenile or otherwise small fish, limited resources, or any combination of these factors. As such, stunting is more likely to occur in waters that are not capable of producing good numbers of quality sized fish and angler harvest is likely to be minimal in these waters regardless of the daily limit. Waters with the potential for producing quality sized fish could benefit from more conservative regulations as angler harvest is generally the biggest driver of adult mortality and size structure in these systems.

Comment #3: The proposed BPI sunfish 8 inch minimum size limit will cause anglers to release some smaller fish that are likely to die from hooking trauma that they would have otherwise kept.

Response: It is recognized that some of these smaller sunfish with hooking trauma may need to be released. The potential degree and severity of this is unknown, but it is not expected to have a major negative impact on anglers or the resource. The Department feels that the potential benefits of the 8 inch minimum size limit to the sunfish fishery outweigh the risk. Anglers will have opportunities to provide feedback on this and other issues related to the BPI through planned angler surveys.

Comment #4: The BPI regulations, or other more conservative regulations, should be more widely applied, including reducing the possession limit for crappie to 15/day in sunfish BPI waters and further protecting the largest sunfish.

Response: The proposals in the draft plan were developed with the recognition that while sunfish and crappie anglers have diverse interests and behaviors, these fisheries are generally harvest-based. It was important to develop regulations that were not only more conservative, but were simple and easy to follow, were acceptable to anglers, and made biological sense without unduly diminishing fishing opportunity. More conservative regulations may be considered in the future based on the outcomes of the BPI experiment.

Comment #5: The BPI proposal is unnecessary, adds to already complex fishing regulations, and will discourage fishing.

Response: The BPI was proposed as a 5-year experimental program for

relatively few waters across the state that have potential to provide unique fisheries for large sunfish. This proposal aims to creatively develop more diverse sunfish fishing opportunities by taking advantage of the ecological capacity of select lakes to provide a special fishing experience. While this would add to the suite of fishing regulations, the Bureau believes that these waters have the potential to become destination fisheries for anglers who seek out larger sunfish.

Comment #6: There should be a prohibition on the commercial sale of sunfish.

Response: Commercial sale of panfish has been a longstanding concern because it increases the motivation to harvest large numbers of fish. However, attempts to legislatively prohibit the sale of panfish have failed in the past and moving forward with such a dramatic change would risk making progress on other practical and obtainable conservation measures. The statewide sunfish regulation proposal is designed to moderate situations where overharvest may occur.

Comment #7: What data and information were used to justify these proposals?

Response: The BPI program was conceptually based on available and relevant science and similar, successful, management programs in the Midwest that were based on that same science. BPI lakes were selected based on information derived from the Statewide Database, the statewide angler survey, and input from Regional staff who are familiar with and manage these waters. Criteria for selecting those waters were largely based on criteria identified in the literature that were related to positive size structure changes due to more conservative regulations.

Statewide regulations were based on the recognition that a more conservative approach was needed in light of new fishing technology and other advancements, and feedback from sunfish anglers indicating support for that type of approach.

Comment #8: A better approach would be to increase enforcement of current regulations and/or increase access to panfish fisheries.

Response: These are important issues that the Department will continue to work on and advance in the best interest of our fisheries resources.

Department of Health

NOTICE OF ADOPTION

Managed Care Organizations (MCOs)

I.D. No. HLT-22-21-00009-A

Filing No. 130

Filing Date: 2022-03-03

Effective Date: 2022-03-23

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

Action taken: Amendment of section 98-1.11(e) of Title 10 NYCRR.

Statutory authority: Public Health Law, section 4403(2)

Subject: Managed Care Organizations (MCOs).

Purpose: To maintain the contingent reserve requirement at 7.25% through 2022 applied to Medicaid Managed Care, HIV SNP and HARP programs.

Text or summary was published in the June 2, 2021 issue of the Register, I.D. No. HLT-22-21-00009-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

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

Clinical Laboratories and Blood Banks

I.D. No. HLT-12-22-00001-P

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

Proposed Action: Amendment of Subpart 58-1 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 576

Subject: Clinical Laboratories and Blood Banks.

Purpose: To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): Part 58-1 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) regulates the permitting and operation of clinical laboratories and blood banks. An entity operating a clinical laboratory or blood bank located in New York State, or accepting specimens from a person or entity in New York State, is required to hold a permit issued by the New York State Department of Health (Department). The proposed amendments to sections 58-1.1 through 58-1.5 revise several aspects of the current regulation.

Section 58-1.1 specifically defines the permitting process for clinical laboratories, including criteria for a permit, allowable categories of testing, and the process for obtaining provisional permits. Amendments to paragraph 58-1.1(a)(1) clarify that testing or procedures performed under a permit must be approved by the U.S. Food and Drug Administration or the Department. Paragraph 58-1.1(a)(2) is amended to define conditions for permit denial and to define allowable owners. Subdivision 58-1.1(d) is amended to better define the conditions under which provisional permits can be issued. New subdivision 58-1.1(e) is added to define the process for voiding a permit, consistent with Public Health Law (PHL) § 575(6). New subdivision 58-1.1(f) defines the process for issuance of a “single use permit,” which would allow access to testing on a patient or test specific basis under certain circumstances, such as a during a declared state disaster emergency.

Section 58-1.2 sets forth the required availability of the laboratory director to the clinical laboratory or blood bank and his or her responsibilities. Amendments to subdivisions 58-1.2(a)-(b) establish the title of “sole assistant director,” a person responsible for one or more categories on the laboratory or blood bank permit for which the laboratory director does not hold a Certificate of Qualification. The sole assistant director would be treated as the laboratory director for those categories. Amendments to subdivision 58-1.2(b) also allow a laboratory director to serve at five different clinical laboratories or blood banks, or any combination thereof. Amendments to subdivision 58-1.2(c) set forth expectations for the onsite presence of the director and sole assistant director while also providing for exceptions.

Revisions in section 58-1.2 also include a definition of “regular part time hours,” to allow onsite supervision at a reduced frequency. Subdivisions 58-1.2(d)-(e) define the responsibilities of laboratory directors and sole assistant directors. Subdivisions 58-1.2(f)-(g) set forth expectations for coverage and notification when the laboratory director’s or sole assistant director’s employment is terminated. Finally, new subdivision 58-1.2(g) defines the consequences of an extended absence of a director or sole assistant director when a new individual is not identified as a replacement. The proposed revisions now define that absences of greater than 60 days require prior notification and approval by the Department.

Section 58-1.3 sets forth the roles and responsibilities of a clinical laboratory supervisor. Amendments to section 58-1.3 expand supervisor titles from just clinical laboratories to blood banks, as per PHL, and allow for supervisors to oversee “procedures” in addition to “tests,” as appropriate for blood banks. Amendments to subdivision 58-1.3(d) provide criteria for allowing an exception to the requirement to have a supervisor onsite during all hours of laboratory testing. Subsection 58-1.3(e) is amended to expand the allowable areas for cyotechnologist supervision in accordance with their scope of practice as interpreted by the New York State Education Department (NYSED).

Section 58-1.4 defines the qualifications of a clinical laboratory supervisor, and section 58-1.5 defines the duties and qualifications of clinical laboratory technical staff. Amendments to section 58-1.4 define “acceptable laboratory,” by describing the experience required for qualification of supervisors and staff, reducing the number of years of experience in such “acceptable laboratories” required to qualify as a supervisor, and expanding the criteria to allow certificate of qualification holders to serve as supervisors. Sections 58-1.4 and 58-1.5 are also amended to revise the

duties and responsibilities of additional laboratory staff, as well as respiratory therapists, and to revise the qualifications for such staff to conform to NYSED licensure requirements. These amendments also allow supervisors and staff working in laboratories outside of New York State to qualify under the appropriate titles if they meet Department requirements or are licensed in their state or other jurisdiction. Deletions from these sections remove outdated language that is no longer applicable, simplifying the regulation overall.

A new section 58-1.14 is added clarifying reporting requirements for results of laboratory testing for certain communicable diseases. The section requires the Commissioner to designate those tests for communicable disease that require prompt action, and to make available a list of such diseases on the State Department of Health website. It also requires clinical laboratories to immediately report positive test results for communicable diseases identified as requiring prompt attention, in a manner and format identified by the Commissioner. Finally, the new section requires clinical laboratories to report all test results, including negative and indeterminate results, for communicable diseases identified as requiring prompt attention, via the Electronic Clinical Laboratory Reporting System (ECLRS).

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

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

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

Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) § 576 authorizes the New York State Department of Health (Department) to promulgate regulations to effectuate the provisions and purposes of Title V of Article 5 of the PHL, relating to the issuance of permits and the requirements for operating a clinical laboratory or blood bank.

Legislative Objectives:

Title V of Article 5 of the PHL is intended to promote the public health, safety, and welfare by requiring the permitting of clinical laboratories and blood banks and by requiring that the performance of tests and procedures employed by clinical laboratories and blood banks meet minimum standards accepted and approved by the Department.

Needs and Benefits:

Amendments to section 58-1.1 clarify that tests or procedures performed by a clinical laboratory or blood bank must be approved by the Food and Drug Administration (FDA) or by the Department; define allowable owners and laboratory directors of clinical laboratories and blood banks; specify conditions for permit denial; and better describe the conditions under which provisional permits can be issued. These amendments are beneficial to the Department and to regulated parties because they provide clarity to the permitting process. Further, during the COVID-19 public health emergency, the need for a streamlined process to issue provisional permits became evident to allow the department to quickly approve laboratories located in New York to initiate COVID-19 testing. For example, the current regulation specifically prohibits the issuance of a provisional permit in Virology, the category under which diagnostic COVID-19 testing is performed. By removing this language and revising other criteria for provisional permit issuance, the Department will be better positioned to respond more rapidly in the event of future novel communicable disease outbreaks. Additionally, subdivision 58-1.1(e) codifies the process for voiding a permit.

The introduction of a “single use permit” will allow access to testing on a patient- or test-specific basis, when such testing is medically necessary, needed as part of a clinical trial, or as part of a declared state of emergency. Single-use permits are beneficial to the public health by allowing testing to be performed by laboratories that do not hold a New York State clinical laboratory or blood bank permit, but which can nevertheless offer important services to patients. In addition to being able to be used during a pandemic, single-use permits will allow testing for extremely rare disorders or where testing capacity of New York State permitted laboratories is limited and additional support is needed to meet testing demands.

Amendments to section 58-1.2 add the term “sole assistant director,” which is a person responsible for one or more categories on the laboratory permit for which the laboratory director does not hold a certificate of qualification. Sole assistant directors will be treated as laboratory directors for those categories. Amendments to this section will also increase the number of allowable directorships an individual may hold and establish requirements for the onsite presence of laboratory directors, notification of laboratory director changes and notification of laboratory director absences. These changes provide flexibility and reduce the regulatory burden on clinical laboratories.

The proposed amendments will also increase the number of directorships of clinical laboratories or blood banks allowed for a laboratory director, from two to five. This change will benefit regulated parties, especially in geographically rural areas or in specialized areas of testing where qualified individuals are scarce.

The proposed amendments establishing requirements for the onsite presence of the laboratory director and any sole assistant director are necessary to ensure the quality of testing results. Specifically, amendments to subdivisions 58-1.2(c) through (g) set forth the requirements for the onsite presence of the laboratory director and sole assistant director, while also providing criteria for exceptions to those requirements. Revisions to the definition of "regular part time hours" will add clarity to the regulations. This change will also help facilitate social distancing in clinical laboratories by reducing the in-person workforce.

New subdivision 58-1.2(e) is needed to clarify that termination, death, or incapacitation of the laboratory director will result in the voiding of the permit if not reported within 60 calendar days. This is consistent with the provision in PHL § 575(6) that stipulates that a change in director shall void a permit and the new subdivision 58-1.1(e) which requires notification within 60 days of such change to stay the permit void. The current regulations require notification to the Department of a "temporary absence" of the director, a term that was not defined and therefore led to significant ambiguity. However, new subdivision 58-1.2(g) will help to define the consequences of an extended absence of a director or sole assistant director when a new individual is not identified as a replacement. Amendments to section 58-1.3 expand the supervisor titles used for clinical laboratories to blood banks; provide criteria for allowing an exception to the requirement to have a supervisor onsite during all hours of laboratory testing; and expand the allowable areas for cytotechnologist supervision in accordance with scope of practice interpretations from the New York State Education Department (NYSED). The revisions allow for part-time remote supervision while still requiring a minimum number of hours onsite, thereby facilitating social distancing in clinical laboratories by reducing the in-person workforce.

Amendments to section 58-1.4 are needed to codify the definition of "acceptable laboratory" in reference to experience required for qualification of laboratory supervisors and clinical laboratory testing personnel; reduce the number of years of experience in acceptable laboratories required to qualify as a laboratory supervisor; and expand the criteria to allow certificate of qualification holders to serve as supervisors. It is assumed that reducing the years of experience will increase the candidate pool of supervisors, therefore alleviating an apparent supervisor shortage. Finally, persons holding a certificate of qualification will be included as allowable supervisors to rectify an oversight in the current regulation.

Amendments to section 58-1.5 revise the duties and responsibilities of clinical laboratory testing personnel, as well as respiratory therapists; amend qualifications for such staff to comply with NYSED licensure requirements; and allow supervisors and staff working in laboratories outside of New York State to qualify under the appropriate titles if they meet either New York State requirements or are licensed in their state or other jurisdiction. These changes provide flexibility and reduce the regulatory burden on clinical laboratories.

Finally, new section 58-1.14 is necessary to clarify clinical laboratory reporting requirements for certain communicable diseases. The section requires the Commissioner to designate those communicable disease that require prompt action, and to make available a list of such disease on the State Department of Health website. It also requires clinical laboratories to immediately report positive test results for communicable diseases and to report all test results, including negative and indeterminate results, for communicable diseases identified as requiring prompt attention, via the Electronic Clinical Laboratory Reporting System (ECLRS).

Costs:

Costs to Regulated Parties:

Section 576 of the PHL governs the collection of fees to recoup the operating costs of the regulatory program. The proposed revisions do not impose any additional costs to the regulated parties and instead will likely reduce costs.

Cost to Local Government:

The proposed amendments will not require local governments to perform any additional tasks; therefore, it is not anticipated to have an adverse fiscal impact.

Costs to the Department of Health:

The proposed amendments will not impose additional costs to the New York State Department of Health program responsible for oversight of clinical laboratories. The program responsible for the oversight of clinical laboratories is a well-established program operated at the State level and the new language does not impact the costs of the oversight program.

Local Government Mandates:

The proposed regulations do not impose new mandates on any county, city, town or village government; or school, fire or other special district.

Paperwork:

The proposed revisions to Subpart 58-1 do not require any additional forms or paperwork from regulated parties. In fact, several revisions will reduce the necessity for regulated parties to file paperwork. The modification to subdivision 58-1.2(b), which increases the limit of laboratory directorships from two to five, will remove the need for directors to request a waiver from this section of regulation. Likewise, the modification in subdivision 58-1.2(h) increases the allowable temporary absence from the current policy-defined three weeks to a codified 60 days, which will reduce the number of required notifications to the Department.

Duplication:

The federal government also issues operating certificates to clinical laboratories (42 CFR Part 493). The Department has applied and been approved for an exemption from the federal government for this requirement continuously since 1995, granting the Department the authority as the primary accrediting body for clinical laboratories operating in New York. Consequently, there is no duplication.

Alternatives:

An alternative to the regulatory amendments would be to not make any changes to the regulation. However, this alternative was not adopted as the proposed amendments will provide flexibility to the clinical laboratory industry in a manner that protects the safety of New York State residents.

Federal Standards:

The Federal Code of Regulations (CFR) sets forth rules for the operation of clinical laboratories (42 CFR Part 493). Section 58-1.1 is more stringent than federal rules. The federal program issues a certificate to perform testing upon application and payment of fees. The Department issues a permit to perform testing only after all requirements have been met to include, at a minimum, payment of fees, onsite inspection, and participation in proficiency testing.

Section 58-1.3 is more stringent than federal rules. General supervisors under the federal rules must be accessible at all times to provide onsite, telephone or electronic consultation for technical staff; therefore, the supervisor may in fact never be onsite in the laboratory. The proposed amendments to section 58-1.3 require that the supervisor must be onsite for at least eight hours per week to provide oversight in addition to providing telephone or audio-visual consultation. The federal rules do not define the number of laboratories where a general supervisor may serve. The proposed amendments limit the number of laboratories served by an individual supervisor to five laboratories.

Sections 58-1.4 and 58-1.5 are consistent with the requirements for testing personnel in the federal rules. Amendments to these sections are also in accordance with New York State Education Law.

Section 58-1.14 is consistent with a recently adopted federal rule requiring mandatory communicable disease reporting for COVID-19 test results.

Compliance Schedule:

The Department of Health expects that regulated parties will comply with the proposed regulation upon Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

No Regulatory Flexibility Analysis is required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act. The amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

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

Job Impact Statement

A Job Impact Statement for these amendments 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.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Reporting of Acute HIV Infection

I.D. No. HLT-12-22-00002-P

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

Proposed Action: Amendment of sections 63.2 and 63.4 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 2139 and 2786

Subject: Reporting of Acute HIV Infection.

Purpose: To require clinicians to report any case of acute HIV within 24 hours of diagnoses.

Text of proposed rule: Section 63.2 is amended to read as follows:

63.2 Application. These regulations apply to physicians and other persons authorized by law to order laboratory tests or to make medical diagnoses, laboratories, blood banks, tissue banks and organ procurement organizations, to persons who receive confidential HIV-related information in the course of providing any health or social service and to persons who receive confidential HIV-related information pursuant to a release. These regulations do not apply to information which was received by the Commissioner under Subpart 24-1 of this Title and protected from disclosure pursuant to Public Health Law section 206(1)(j). [These regulations do not apply to insurance institutions and insurance support organizations, except as noted in section 63.6(a)(9), (10) and (12) of this Part. Health] *Insurance institutions, insurance support organizations, and health care providers associated with or under contract to a health maintenance organization or other medical services plan are subject to these regulations.*

Paragraph (1) of subdivision (a) of section 63.4 is amended to read as follows:

(a)(1) All determinations or diagnoses of Human Immunodeficiency Virus (HIV) infection, HIV-related illness, and Acquired Immune Deficiency Syndrome (AIDS) shall be reported to the commissioner by physicians and other persons authorized to order diagnostic tests or make medical diagnoses or their agents as soon as possible but no later than [14] *seven (7) days after the provider's receipt of a positive laboratory result or after diagnosis, whichever is sooner. Physicians and other persons authorized to order diagnostic tests or make medical diagnoses, or their agents, shall report any determination or diagnosis of acute HIV infection, including primary HIV infection, acute retroviral syndrome, and early HIV infection, within one day (24 hours) of such determination or diagnosis. Acute HIV infection is the earliest stage of HIV disease, and it precedes the development of detectable antibodies to HIV resulting from the viral infection. A report of acute HIV infection must include the basis for the determination or diagnosis, which is: (i) laboratory testing results demonstrating the presence of p24 antigen and HIV virus (RNA or DNA), in the absence of HIV antibodies; and/or (ii) clinical evidence of documented negative testing history which includes previous negative or indeterminate test results within 180 days before the first confirmed positive HIV test result of any type.*

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

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

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

Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) § 2139 gives the Commissioner of Health (Commissioner) the authority to promulgate regulations to effectuate the purposes of PHL Article 21, Title 3 (Control of Acute Communicable Diseases – Human Immunodeficiency Virus). PHL § 2786 gives the Commissioner the authority to promulgate regulations concerning the implementation of PHL Article 27-F (HIV and AIDS Related Information).

Legislative Objectives:

Title 3 of PHL Article 21 and PHL 27-F were enacted, inter alia, to permit the Department of Health (Department) to conduct epidemiologic surveillance for HIV/AIDS: to record, monitor and evaluate the progression of the HIV/AIDS epidemic in the state. By providing for confidential reporting, these laws permit the Department to assess the spread of the disease in various localities and among risk group, thereby enabling focused prevention efforts and the targeting of scarce health resources where they can be most effective.

Needs and Benefits:

Under PHL § 2784, PHL Article 27 F does not apply to insurance institutions, except for the provisions of PHL Article 27 F regarding redisclosure of confidential HIV-related information. Insurance institutions are not, however, exempt from the reporting requirement in PHL Article 21, Title 3. Under PHL § 2130, the duty to report AIDS and HIV infection cases and data applies to every physician or other person authorized by law to order diagnostic tests or make a medical diagnosis, including such persons doing so for insurance institutions.

Under PHL Article 21, Title 3, AIDS and HIV infection cases are reported to the New York State AIDS Case Surveillance Registry (also known as the AIDS Surveillance Case Registry, the AIDS Registry or the

HIV/AIDS Registry). Under PHL § 2135, the data can be used to carry out the provisions of PHL Article 21, Title 3, including contact tracing.

In 2014, New York State began a series of initiatives to end the AIDS epidemic. L. 2014, Ch. 60, Part A, § 3, amended PHL § 2135 to effect this objective by allowing data reported under PHL Article 21, Title 3, to be used for the purpose of linking individuals with diagnosed HIV to care and/or ensuring that they are retained in care.

These amendments to 10 NYCRR sections 63.2 and 63.4: (1) clarify that HIV-testing conducted in the context of insurance institution underwriting decisions is required to be reported to the Department by clinicians under whose medical license the HIV testing is ordered; (2) reduce the time within which HIV diagnoses must be reported from 14 days to 7 days; and, (3) add a provision to 10 NYCRR Part 63.4 requiring that clinicians also report any case of acute HIV infection (i.e., primary HIV infection, acute retroviral syndrome, or early HIV infection) within one day (24 hours) of such determination or diagnosis.

Acute HIV infection is the earliest stage of HIV infection, lasting for approximately three to four weeks and often accompanied by flu-like symptoms. Acute infection precedes seroconversion – that is, the development of detectable antibodies to HIV resulting from the viral infection. Typically, it takes four weeks after infection occurs for HIV antibodies to develop and be measurable through conventional laboratory tests. Antigen and virus are detectable within the first 2-3 weeks of HIV infection.

The risk of HIV transmission from persons with acute and early infection is much higher than that from persons with established infection. Extremely high levels of infectious virus become detectable in serum and genital secretions during acute HIV infection and persist for 10–12 weeks. Models based on data from cohort studies suggest that the rate of sexual transmission during acute infection is 2-6 times as high as that during established HIV infection. Acute HIV infection, despite its short duration, can account for 10%–50% of all new HIV transmissions, especially in persons who have multiple concurrent sex partners or high rates of partner change. Computer modeling of the HIV epidemic in New York State suggests that >40% of new HIV transmissions occurring in the State in 2020 originated from persons with acute or early HIV infection.

Medical providers who order diagnostic HIV testing, including those in insurance institutions, are trained to identify acute infection based on symptomology and laboratory test results. As the diagnostic clinician, they are uniquely able to rapidly alert NYSDOH of a person with acute or early infection.

The proposed amendments to 10 NYCRR Parts 63.2 and 63.4 will enable NYSDOH to identify persons in the most infectious stage of HIV infection earlier, with the public health aim of preventing onward transmission. It is a public health priority that persons with diagnosed acute or early HIV infection are offered timely partner services (see PHL § 2133, 10 NYCRR § 63.1(m)) to ensure the patient is linked to HIV treatment, and his/her sexual or needle-sharing contacts are tested/treated for HIV to prevent transmissions and outbreaks. Initiation of antiretroviral therapy (ART) during the early stage of HIV infection can benefit patients and reduce HIV transmission. Treatment of acute and early HIV infection with combination ART improves laboratory markers of disease progression. Data also suggest that treatment of acute HIV infection might decrease the severity of acute disease, lower the viral set point, slow disease progression rates in the event therapy is stopped, reduce the size of the viral reservoir, and decrease the rate of viral mutation by suppressing viral replication and preserving immune function. Because very high levels of virus in blood and genital secretions increase infectiousness during and immediately after acute HIV infection, initiating treatment during acute infection can also reduce the risk of HIV transmission substantially.

The purpose of this regulation change is to mandate clinician and laboratory reporting of acute HIV infection (primary HIV infection, acute retroviral syndrome and early HIV infection) within one day (24 hours) of determination or diagnosis. This amendment defines acute HIV infection. Acute HIV infection is the earliest stage of HIV disease. It is defined based on (1) laboratory testing results demonstrating the presence of p24 antigen and HIV virus (RNA or DNA), in the absence of HIV antibodies; and/or (2) clinical evidence of documented negative testing history which includes previous negative or indeterminate test results within 180 days before the first confirmed positive HIV test result of any type. Negative or indeterminate testing immediately prior to confirmed HIV diagnosis allows for the identification of the exposure period in which the person became infected. The Centers for Disease Control and Prevention established the 180 day window in its definition of early HIV infection.

Further, 10 NYCRR § 63.4 currently requires the reporting of persons with diagnosed HIV infection and AIDS to NYSDOH “as soon as possible but no later than 14 days” after diagnosis. The proposed amendment to 10 NYCRR § 63.4 reduces the amount of time to report to “as soon as possible but no later than seven (7) days.” The Department has determined that it is possible to make the reports within seven (7) days, so this is more of a clarification than a substantive change.

Finally, clarifying language is needed to specify within 10 NYCRR 63.2 that HIV-testing conducted in the context of insurance institution underwriting decisions is required to be reported to NYSDOH by clinicians under whose medical license the HIV-testing is ordered. Reporting is the crucial first step in triggering the rapid deployment of state Partner Services to interrupt forward transmission and facilitate linkage to care and early treatment.

Costs:

Costs for the Implementation of, and Continuing Compliance with the Regulation to the Regulated Entity:

Mandating the reporting of acute and early HIV-infection is expected to carry minimal cost. Currently, there are other diseases, such as hemorrhagic fever, measles or Hepatitis in a food handler, which require notice to DOH within 24 hours. Adding diagnoses of acute HIV infection to the list of diseases requiring 24-hour reporting should not be burdensome under existing clinician reporting processes.

Costs to State and Local Governments:

There is no impact on costs to state and local governments associated with this proposed rule change.

Costs to the Department of Health:

There are minimal costs to the Department of Health associated with this proposed rule change that shall be met within existing resources.

Local Government Mandates:

There is no impact on local government mandates associated with this proposed rule change.

Paperwork:

No new paperwork is necessitated by the proposed regulation.

Duplication:

These regulatory amendments do not duplicate any New York State or federal rules.

Alternatives:

NYSDOH is not required to move forward with these regulations, but NYSDOH believes the regulations are needed for the reasons stated in the Needs and Benefits section of this Regulatory Impact Statement.

An alternative would be to make no changes to the regulations.

Federal Standards:

These regulations do not exceed any minimum standard of the federal government.

Compliance Schedule:

The regulations will become effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

No Regulatory Flexibility Analysis is required pursuant to section 202-b(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, record keeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

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

Job Impact Statement

A Job Impact Statement for these amendments 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.

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

Telehealth Services

I.D. No. HLT-12-22-00003-P

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

Proposed Action: Amendment of sections 505.17 and 533.6; addition of Part 538 to Title 18 NYCRR.

Statutory authority: Public Health Law, sections 2999-cc(2)(y), (4), 2999-ee, 201(1)(v); Social Services Law, section 365-a

Subject: Telehealth Services.

Purpose: To ensure continuity of care of telehealth services provided to Medicaid enrollees.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): These proposed regulatory amendments are needed to ensure continuity of care provided to Medicaid enrollees during the transition from telehealth services provided during the public health emergency and after the public health emergency ends. During the public health emergency, all Medicaid providers were authorized to utilize telehealth, including audio-only telephone or other audio-only technology pursuant to Executive Orders and subsequently, pursuant to Emergency Regulations. This telehealth regulation is required to authorize Medicaid providers to continuously provide services pursuant to these flexibilities to ensure continuity of care. Specifically, the proposed telehealth regulation provides:

1. Expansion in the types of providers who can deliver care via telehealth, as long as such telehealth services are appropriate to meet a patient's needs and are within a provider's scope of practice.

2. Addition of Audio-only, eConsult, Virtual Check-in, and Virtual Patient Education as telehealth modalities, as well as parameters for appropriately using those modalities and standards for reimbursement.

The revisions to radiology regulations are required to allow for the provision of teleradiology as well as remove outdated reimbursement processes. Specifically, the amendments provide:

1. Definitions for interventional and diagnostic radiology, which may be conducted without a physical encounter.

2. Reimbursement guidelines for physicians and hospitals billing for professional and technical and administrative components of a radiology service. References to an outdated fee schedule have been removed.

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

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

Statutory Authority:

Public Health Law section 2999-cc(2)(y) provides the Commissioner of Health with the authority to determine, in consultation with the Commissioners of the Office of Mental Health, the Office of Addiction Services and Supports, or the Office for People with Developmental Disabilities, other categories of providers authorized to provide telehealth services.

Public Health Law section 2999-cc(4) requires promulgation of regulations to cover the modality of audio-only telephone communication as telehealth in the medical assistance and child health insurance programs.

Public Health Law section 2999-ee provides the Commissioner of Health with the authority to specify in regulation additional acceptable modalities for the delivery of health care services via telehealth, including audio-only telephone communications, in consultation with the Commissioners of the Office of Children and Family Services, the Office of Mental Health, the Office of Addiction Services and Supports, or the Office for People with Developmental Disabilities.

Public Health Law section 201(1)(v) requires the Department of Health (Department) to act as the single State agency for Medicaid with the responsibility to supervise the plan required by Title XIX of the federal Social Security Act and to adopt regulations as may be necessary to implement this plan.

Social Services Law section 365-a requires Medicaid coverage of certain medical care, services and supplies as authorized in regulations of the Department, including x-ray services.

Legislative Objectives:

The legislative objective is to provide the Commissioner of Health with authority to determine the appropriate providers and modalities of telehealth necessary to increase access to health care services for Medicaid enrollees, especially for behavioral health, oral health, maternity care, care management, services provided in emergency departments and services provided to certain high-need populations.

Needs and Benefits:

These regulatory amendments are needed to ensure continuity of care provided to Medicaid enrollees. During the public health emergency, pursuant to Executive Orders that waived certain New York State laws and regulatory requirements related to telehealth, all Medicaid providers were authorized to utilize telehealth, including audio-only telephone or other audio-only technology. When these Executive Orders expired on June 24, 2021, the Department promulgated emergency regulations to authorize Medicaid providers to continuously provide services pursuant to these flexibilities to ensure continuity of care. These regulations will establish this authority permanently.

During the course of the public health emergency, Medicaid providers

have adopted widespread use of telehealth, including through audio-only telephonic modalities and other audio-only technologies, as a means of delivering services to Medicaid beneficiaries. Providers have reported that this expansion of telehealth has improved access to care, improved patient experience, and improved provider satisfaction. Telehealth also has the potential to improve patient outcomes, although measurement of these outcomes requires further research. Furthermore, expanded use of telehealth during the pandemic has resulted in Medicaid program savings related to avoidance of emergency room and urgent care visits, and decreased utilization of Medicaid-covered non-emergency medical transportation services.

Telehealth mitigates provider access issues by connecting patients in rural areas with needed specialist care. Teleradiology, in particular, is needed to combat the lack of available radiologists. Teleradiology improves patient care by allowing radiologists to provide services remotely without having to be at the same location as the patient. Small rural hospitals often employ only one radiologist or no radiologist at all. In some cases, the interpretation of a radiological image may require input from a radiologist with a sub-specialty (e.g., MRI radiology, neuro-radiology, pediatric radiology, etc.). Professionals with sub-specialty expertise typically practice in large metropolitan facilities. Teleradiology allows for these trained specialists to fill a void by providing competent and timely professional radiology services, when a radiologist is not otherwise available, twenty-four hours a day, seven days a week.

Given that the Centers for Medicare and Medicaid Services has authorized continued use of telehealth through modalities that align with Article 29-G of the Public Health Law, the Department is issuing these regulations in order to ensure ongoing and continuous access to telehealth services for Medicaid members, during and after the COVID-19 pandemic. These regulations will expand the types of providers authorized to provide care via telehealth, define additional telehealth modalities, including audio-only, and allow for teleradiology. This continuous access is particularly important for members of the Medicaid population who are unable to access services in person, or who continue to be at risk for COVID-19.

Costs:

Costs to Regulated Parties:

There are no costs imposed on regulated parties by these regulations because the amendments provide reimbursement for health care services provided via telehealth.

Costs to the Administering Agencies, the State, and Local Governments:

Costs to administering agencies and the State associated with these amendments will be covered by existing State budget appropriations and anticipated federal financial participation. There are no costs imposed on local governments by these regulations because the amendments provide reimbursement for health care services provided via telehealth.

Local Government Mandates:

The proposed 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.

Paperwork:

The proposed regulations impose minimal paperwork requirements on regulated parties to claim Medicaid reimbursement for telehealth services provided to Medicaid enrollees.

Duplication:

There are no other State or Federal requirements that duplicate, overlap, or conflict with the statute and the proposed regulations.

Alternatives:

The Department considered the option of not promulgating these regulations, which would create an abrupt halt to certain telehealth flexibilities authorized during the public health emergency and which have proven vital to Medicaid members. In consultation with the Office of Mental Health and Office of Addiction Services and Supports, the Department determined that providing continuity of care to Medicaid enrollees is a public health priority and as such, decided to move forward with these regulations.

Federal Standards:

There are no minimum Federal standards regarding this subject.

Compliance Schedule:

These amendments shall be effective on publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

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

Cure Period:

Chapter 524 of the Laws of 2011 requires agencies to include a "cure

period" or other opportunity for ameliorative action to prevent the imposition of penalties on the party or parties subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one was not included. This regulation creates no new penalty or sanction. Hence, a cure period is not necessary.

Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse impact on rural areas, and it does not impose any new reporting, record keeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

No job impact statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act. It is apparent, from the nature of the proposed amendment, that it will not have an adverse impact on jobs and employment opportunities.

Department of Labor

EMERGENCY RULE MAKING

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

I.D. No. LAB-12-22-00004-E

Filing No. 132

Filing Date: 2022-03-03

Effective Date: 2022-03-03

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

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

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

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

Specific reasons underlying the finding of necessity: This emergency regulation is necessary to implement the NY HERO Act and put necessary preparatory protections in place in the event of the NY Health Commissioner designation of an airborne infectious disease as a highly contagious communicable disease that presents a serious risk of harm to the public health. The Legislature, in adopting the HERO Act, required that the Department of Labor publish this standard, and that employers adopt plans that comply with the requirements found therein. To effectuate this legislative purpose, and to provide the protections of the HERO Act, this emergency adoption is necessary to immediately enact these important rules and is necessary to public health, safety, and the general welfare, and provides protections to the employees in New York State and avoid future loss of life.

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

Purpose: Airborne Infectious Disease Exposure Prevention Standard.

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

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

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires May 31, 2022.

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

Regulatory Impact Statement

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

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

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

Costs: While it is anticipated that employers may incur costs as a result of the requirements of the NY HERO Act, the present rulemaking does not impose any additional or further costs on the regulated community than those imposed by the HERO Act itself. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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

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

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

Alternatives: There were no significant alternatives considered.

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

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

Regulatory Flexibility Analysis

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

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

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

Compliance Costs: While it is anticipated that employers may incur costs as a result of the requirements of the NY HERO Act, the present rulemaking does not impose any additional or further costs on the regulated community than those imposed by the HERO Act itself. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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

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

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

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

Rural Area Flexibility Analysis

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

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

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

Costs: While it is anticipated that employers may incur costs as a result of the requirements of the NY HERO Act, the present rulemaking does not impose any additional or further costs on the regulated community than those imposed by the HERO Act itself. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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

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

Job Impact Statement

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

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

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

Minimizing adverse impact: Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this regulation, no measures to minimize any unnecessary adverse impact

on existing jobs or to promote the development of new employment opportunities are required.

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

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

Office of Mental Health

NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED

COVID-19 Vaccination Program

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

Filing No. 129

Filing Date: 2022-03-02

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 557 to Title 14 NYCRR.

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

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

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

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

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

Subject: COVID-19 Vaccination Program.

Purpose: To implement a COVID-19 vaccination program in OMH Operated or Licensed Hospitals.

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

557.1 Background and intent.

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

557.2 Legal Base.

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

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

(c) Section 31.04 of the Mental Hygiene Law grants the Commissioner

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

557.3 Applicability.

(a) This Part applies to Hospitals and STARC Programs as defined in Part 557.4.

557.4 Definitions pertaining to this Part.

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

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

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

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

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

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

(g) STARC Program shall mean a secure treatment facility operated pursuant to Section 7.18 of the Mental Hygiene Law.

557.5 Testing and Vaccination Requirements for Hospitals and STARC Programs.

(a) Hospitals and STARC Programs shall require Staff to be Fully Vaccinated.

(b) New Staff shall not commence their duties until they have been Fully Vaccinated.

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

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

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

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

(g) Hospitals and STARC Programs shall maintain records of their compliance with the requirements of this Part. Upon request by the Office, Hospitals and STARC Programs shall verify the vaccination status of all Staff, and must provide such requested information to the Office. Each Hospital or STARC Program shall require Staff to produce documentation to show all vaccine administrations. Acceptable documentation of vaccination status shall consist of one of the following:

(1) a COVID 19 vaccination record card issued by the CDC or equivalent, including the name of the person vaccinated, date of birth, type of vaccine provided and date(s) of administration.

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

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

(h) All Staff who are not Fully Vaccinated, or for whom vaccine status is unknown or documentation is not provided, must be considered unvaccinated.

This notice is intended to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the State Register on October 27, 2021, I.D. No. OMH-43-21-00002-EP. The emergency rule will expire April 30, 2022.

Revised rule making(s) were previously published in the State Register on January 19, 2022.

Emergency rule compared with proposed rule: Substantial revisions were made in sections 557.3, 557.4 and 557.5.

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

(1) Statutory Authority:

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

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

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

(2) Legislative Objectives:

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

(3) Needs and Benefits:

These regulations are necessary to prevent the spread of COVID-19 in hospitals operated or licensed by the Office of Mental Health. This requirement will help ensure patients are less likely to suffer a COVID-related death or severe illness and that fewer staff test positive for COVID-19 and aligns these facilities with other hospitals in New York State.

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

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

(4) Costs:

(a) Costs to Regulated Parties:

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

(b) Costs to Local and State Governments:

This regulation will have no significant impact on local or State governments. There may be limited additional agency costs for reviewing documentation and other administrative oversight.

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

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

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

8. Alternatives: The Office believes that the promulgation of this regulation is the most effective means to ensure that OMH operated hospitals adequately ensure their staff are vaccinated against COVID-19. Accordingly, the alternative of not issuing these regulations was rejected, as the

potential for serious illness and possible death of both staff and patients as a result of a COVID-19 outbreak outweighed the risk of rejecting a vaccine mandate.

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

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

Revised Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses.

Compliance Requirements:

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

Professional Services:

No professional services are required by this regulation.

Compliance Costs:

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

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Small Business and Local Government Participation:

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

Cure Period:

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

Revised Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

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

Compliance Costs:

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

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Rural Area Participation:

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

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

Revised Job Impact Statement

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

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

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Office of Mental Health publishes a new notice of proposed rule making in the NYS Register.

Redesigning Residential Treatment Facilities (RTF)

I.D. No.	Proposed	Expiration Date
OMH-09-21-00001-EP	March 3, 2021	March 3, 2022

Metropolitan Transportation Agency

**EMERGENCY
RULE MAKING**

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

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

Filing No. 131

Filing Date: 2022-03-03

Effective Date: 2022-03-03

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

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

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

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

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

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

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

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

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

1030.1 Authorities covered by the rules of this Part

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

1030.2 Requiring Persons to Wear Masks

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

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

The following do *not* meet this requirement:

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption.

This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. MTA-16-21-00004-EP, Issue of April 5, 2021. The emergency rule will expire March 19, 2022.

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

Regulatory Impact Statement

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

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

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

Costs: (a) Regulated parties. The proposed rule governing conduct and safety does not impose new costs on passengers or others. (b) State and local government. The proposed rule governing conduct and safety will not impose any new costs on State or local governments.

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

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

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

Alternatives: No significant alternatives to this rule was considered.

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

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

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

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

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Proposed Major Rate Increase in Liberty SLG's Gas Revenues

I.D. No. PSC-12-22-00010-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 proposal filed by Liberty Utilities (St. Lawrence Gas) Corp. (Liberty SLG) to make changes in the rates, charges, rules and regulations as contained in its tariff schedule P.S.C. No. 1 — Gas.

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

Subject: Proposed major rate increase in Liberty SLG's gas revenues.

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

Public hearing(s) will be held at: 10:30 a.m., July 18, 2022 and continuing daily as needed, via teleconference (Evidentiary Hearing)*.

*On occasion, a hearing may be rescheduled or postponed. In that event, public information notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 21-G-0577.

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

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

Substance of proposed rule: The Commission is considering a proposal, filed on November 24, 2021, by Liberty Utilities (St. Lawrence Gas) Corp. (Liberty SLG) to increase its gas revenues for the rate year ending October 31, 2023, as contained in P.S.C. No. 1 – Gas.

Liberty SLG is requesting an increase in gas revenues of approximately \$3,447,000 (9.48% increase in operating revenues). Liberty SLG's requested increase in gas revenues results in a total monthly bill increase of about 18% for an average residential heating customer, 20% for an average commercial customer, and 7% for an average industrial customer. Liberty SLG states the major drivers of this filing include capital investments to replace the Company's aging and obsolete computer and software systems to improve its customer service; investments for innovative projects essential to align with the goals of the New York State Climate Leadership and Community Protection Act; new and enhanced operation and maintenance programs to continue the safe and reliable distribution of natural gas and to comply with new and existing regulations and laws along with the addition of new positions to manage these requirements; increase in payroll and overhead benefit of the current workforce; and inflationary cost pressures. The initial suspension period for the proposed filing runs through April 30, 2022.

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

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

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

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

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

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

(21-G-0577SP1)

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

Electric Metering Equipment

I.D. No. PSC-12-22-00006-P

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

Proposed Action: The Public Service Commission is considering a petition filed by General Electric to use the General Electric JYW-6 SUPERBUTE voltage instrument transformer in electric metering applications.

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

Subject: Electric metering equipment.

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

Substance of proposed rule: The Public Service Commission is considering a petition filed on February 17, 2022, by General Electric, to use the General Electric JYW-6 SUPERBUTE voltage instrument transformer in electric metering applications in New York State.

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

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

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

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

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

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

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

(22-E-0100SP1)

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

Expanded Solar For All Program for Low-Income Customers

I.D. No. PSC-12-22-00007-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 the Coalition for Community Solar Access seeking rehearing and reconsideration of its January 20, 2022 Order Authorizing an Expanded Solar for All Program with Modifications.

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

Subject: Expanded Solar For All Program for low-income customers.

Purpose: To consider the appropriate design of an opt-out community solar program for low-income customers.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by the Coalition for Community Solar Access (CCSA) on February 22, 2022 for limited rehearing and reconsideration of the Commission's January 20, 2022 Order Approving Expanded Solar for All Program with Modifications (Order).

Specifically, CCSA seeks rehearing on the ruling in the Order that low-income customers participating in the Expanded Solar for All (E-SFA) program are not permitted to simultaneously participate in another community distributed generation (CDG) project, or to simultaneously enroll in a Remote Crediting or Remote Net Metered project. CCSA argues that the Commission should permit dual participation because the E-SFA and

CDG programs serve different goals, and because doing so (2) would not result in double counting because the E-SFA program does not actually assign customers to a particular project, (3) would provide greater benefits to low income customers, and (3) would avoid the utility competing with and potentially crowding out private CDG market participants. In the alternative, CCSA urges the Commission and the New York State Energy Research and Development Authority to implement appropriate safeguards to ensure that the E-SFA program does not duplicate or supplant existing efforts to enroll low-income customers in CDG, or increase customer confusion.

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 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-E-0735SP4)

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

Establishing an Alternative Recovery Mechanism for Certain Types of Fees

I.D. No. PSC-12-22-00008-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 NYSEG and RG&E to establish an alternative recovery mechanism for certain fees which will enable the companies to record these deferrals in their financial statements, and related accounting changes.

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 New York State Electric & Gas Corporation and Rochester Gas and Electric Corporation (NYSEG and RG&E, or the Companies) on February 24, 2022, which seeks to establish an alternative recovery mechanism that would align with Generally Accepted Accounting Principles (GAAP), consistent with Commission-authorized regulatory mechanism in the Companies' current electric and gas rate plans. Additionally, the Companies' request conforming accounting changes which will align the Commission-authorized regulatory accounting mechanism, GAAP and applicable International Financial Reporting Standards (IFRS).

The Commission approved the Companies' current rate plans in its Order Approving Electric and Gas Rate Plans in Accord with Joint Proposal, with Modifications, issued November 19, 2020, in Cases 19-E-0378, et. al. (Rate Order). The Rate Order allows the Companies to defer the unanticipated financial impact of a legislative, accounting, tax, fee, or government-mandated action occurring during the term of the Joint Proposal. The Companies recently deferred unbilled late payment and related fees under this provision for ratemaking purposes, for the period May 1, 2020 through April 30, 2021 (Rate Year 1). These fees, \$4.474 million for NYSEG Electric; \$1.277 million for NYSEG Gas; \$2.293 million for RG&E Electric and \$2.422 million for RG&E Gas, are part of the unanticipated financial impact that resulted from the State's necessary orders, issued to address the COVID-19 Pandemic. The Companies' propose to offer a shareholder contribution of \$1.6 million, either to help address arrearages owed to the Companies or to support energy efficiency or other clean energy initiatives, with a focus on disadvantaged communities.

Under GAAP, the Companies may only record the deferral on its income statements 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 Company must recover the Rate Year 1 deferral by May 2023. The Companies propose to establish surcharge/surcredit recovery mechanisms that permit full recovery/refund of any applicable deferred unbilled fees/late payment charge deferrals within GAAP's recording timeframe.

The Companies propose to begin a ten-month recovery of the Rate Year 1 deferral as a surcharge, beginning in July 2022. The Companies state they would agree to an 18-month recovery/passback of any Rate Year 2 (May 1, 2021 – April 30, 2022) deferred amounts, which could begin in November 2022.

Additionally, the Companies identified the need to address the allowance for recognition of certain deferrals under IFRS. Such recognition is currently in place for a number of regulatory deferrals in its Rate Order, and accordingly, the Companies propose that "Unbilled Fees/Late Payment Charge deferrals" and "Major Storm deferrals," due to the continued multitude of major storms in the Companies' service territory during the term of the Joint Proposal, be included in the list of regulatory deferrals recognized under IFRS to eliminate a recognition and/or recovery timing issue among Commission ratemaking accounting and practices and the GAAP and IFRS accounting/financial reporting standards.

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

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

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

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

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

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

(22-M-0119SP1)

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

Linemen Expenses Shortfall for October 2020 to September 2021

I.D. No. PSC-12-22-00009-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 tariff filing by Fishers Island Electric Corporation effectuating customer bill credits to pass back the deferred amount associated with linemen expenses shortfall that was deferred from October 2020 to September 2021.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Linemen expenses shortfall for October 2020 to September 2021.

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 proposal filed by Fishers Island Electric Corporation (FIEC) on February 24, 2022, to amend its electric tariff, P.S.C. No. 2 – Electricity. The proposed amendment will effectuate customer bill credits to pass back the deferred amount associated with the linemen expense shortfall that was deferred from October 2020 to September 2021.

In the September 18, 2020 Order in Case 19-E-0525, FIEC was directed by the Commission to defer, for the benefit of customers, the amount by which expenses associated with its linemen request fell below \$379,570. Additionally, FIEC was directed to submit a tariff filing effectuating bill credits to pass back the deferred amount to customers within 90 days of the balance reaching or exceeding \$30,000. Between the period of Oct 2020 and September 2021, linemen expenses totaled \$294,851, a shortfall of \$84,719, resulting in a monthly bill credit of approximately \$7,060 per month. The monthly bill credit will be credited to customers over a twelve-month period. The proposed amendments have an effective date of August 1, 2022.

The full text of the proposal 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 also 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-E-0525SP2)

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

Proposed Filing Clarifying Provisions Under the Excelsior Jobs Program

I.D. No. PSC-12-22-00011-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 proposal filed by Rochester Gas and Electric Corporation clarifying Excelsior Jobs Program Customers are exempt from the Non-Bypassable Charge and the Electric Vehicles Make-Ready Surcharge.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposed filing clarifying provisions under the Excelsior Jobs Program.

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 proposal filed by Rochester Gas and Electric Corporation (Company) on February 22, 2022, to amend its tariff schedule, P.S.C. No. 19 – Electricity.

The proposed amendment is to provide clarification regarding the Transition Charge exemption under the Excelsior Jobs Program. The Transition Charge is a cost collection mechanism to collect various surcharges on the customer bill. Customers participating in the Excelsior Jobs Program are exempt from paying the Non-Bypassable Charge and the Electric Vehicle Make Ready surcharge components of the Transition Charge. The Company is proposing to add language under the Excelsior Jobs Program section of the tariff to add further clarification regarding the exemptions. The proposed amendment has an effective date of July 1, 2022.

The full text of the proposal 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-0138SP8)

Workers' Compensation Board

NOTICE OF ADOPTION

Independent Livery Drivers and Independent Livery Driver Fund

I.D. No. WCB-52-21-00004-A

Filing No. 156

Filing Date: 2022-03-08

Effective Date: 2022-03-23

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

Action taken: Amendment of section 309.3; addition of section 309.4 to Title 12 NYCRR.

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

Subject: Independent Livery Drivers and Independent Livery Driver Fund.

Purpose: To implement Cisnero Appellate Division Case (194 A.D.3d 1344).

Text of final rule: Paragraph (1) of subdivision (a) of section 309.3 of Title 12 NYCRR is hereby amended to read as follows:

(a) Independent livery drivers.

(1) A livery driver is an independent livery driver when he or she is licensed to drive a livery by the appropriate governing taxi and limousine commission and is dispatched by an independent livery base with which he or she is affiliated. *An independent livery driver also includes a person who is operating a vehicle that is affiliated with a member of the Black Car Operators' Injury Compensation Fund when that person is dispatched by an independent livery base.*

A new section 309.4 of Title 12 NYCRR is hereby added to read as follows:

309.4 Annual contributions to the Fund.

(a) Annual contributions to the Fund by independent livery bases calculated using the number of liveries affiliated with each livery base pursuant to section 160-ccc of the Executive Law shall include independent livery drivers as defined in subdivision (a) of section 309.3 of this Title. Such calculation may be done at the discretion of the Fund using a per ride surcharge.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 309.3.

Text of 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

Revised Regulatory Impact Statement

The Board made a clarifying change to section 309.3 of the proposal to more closely mirror the Cisnero decision, but this was the only change to the text, and a revised Regulatory Impact Statement is not required because the changes to the last published rule do not affect the meaning of any statements in the document.

Revised Regulatory Flexibility Analysis and Rural Area Flexibility Analysis

A revised Regulatory Flexibility Analysis for Small Businesses and Local Governments 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

A Job Impact Statement is not required because the emergency adoption and proposal will not have any impact on jobs or employment opportunities. The regulation is updating the regulation to conform to a recent Third Department Appellate Division Case.

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.

**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. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 375 by December 22, 2021. The proposed regulations webpage for 6 NYCRR Part 375 may be accessed at: https://www.dec.ny.gov/regulations/propregulations.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9764 and leave a message for Jenn Dawson. Please provide your first and last name, address, and telephone number and reference the Part 375 public comment hearing. The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than March 22, 2022. The written request must be addressed to Deputy Commissioner, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to the Office of Hearings and Mediation Services at ohms@dec.ny.gov. Please include “Part 375 Public Comment Hearing” in the subject line. The public comment period for Part 375 is open until 8:00 p.m., April 21, 2022. Comments may be entered during the hearing, e-mailed to derweb@dec.ny.gov, or mailed to NYS DEC, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Attn: Jenn Dawson. Please include “Part 375 Comments” in the subject or memo line of the correspondence.</p>
Public Service Commission		
PSC-12-22-00010-P	Proposed major rate increase in Liberty SLG’s gas revenues	<p>Teleconference—July 18, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)* *On occasion, a hearing may be rescheduled or postponed. In that event, public information notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case No. 21-G-0577.</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	0001	P

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-11-22-00002-P 03/16/23	Limits on Administrative Expenses and Executive Compensation	To repeal guidelines regarding placing limitations on Administrative Expenses and Executive Compensation.
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AGRICULTURE AND MARKETS, DEPARTMENT OF

AAM-23-21-00001-P 07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-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-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
ASA-11-22-00003-P	..... 03/16/23	Patient rights in OASAS programs	Establish patient rights and provider obligations regarding patient rights in OASAS programs
ASA-11-22-00004-P	..... 03/16/23	substance use disorder residential services	requirements for substance use disorder residential services
ASA-11-22-00005-P	..... 03/16/23	Substance use disorder withdrawal and stabilization services	Requirements for providers of substance use disorder withdrawal and stabilization services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-11-22-00006-P	03/16/23	residential services	requirements for the delivery of residential services
ASA-11-22-00007-P	03/16/23	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS
ASA-11-22-00008-P	03/16/23	Substance use disorder residential rehabilitation services for youth	to establish standards for substance use disorder residential rehabilitation services for youth
ASA-11-22-00009-P	03/16/23	substance use disorder inpatient rehabilitation	requirements for substance use disorder inpatient rehabilitation services
ASA-11-22-00010-P	03/16/23	general service standards for substance use disorder outpatient programs	general service standards for substance use disorder outpatient programs
ASA-11-22-00011-P	03/16/23	INCIDENT REPORTING IN OASAS CERTIFIED, LICENSED, FUNDED, OR OPERATED SERVICES	INCIDENT REPORTING IN OASAS CERTIFIED, LICENSED, FUNDED, OR OPERATED SERVICES
ASA-12-22-00005-P	03/23/23	Designated Services	To add new Adolescent Program Endorsement and new Ancillary Withdrawal Designation

AUDIT AND CONTROL, DEPARTMENT OF

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
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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
OCM-10-22-00017-P	03/09/23	Part 113 - Medical Cannabis	The proposed rule established the framework for the medical cannabis program in New York State

CHILDREN AND FAMILY SERVICES, OFFICE OF

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.
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CIVIL SERVICE, DEPARTMENT OF

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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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
CVS-10-22-00001-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-10-22-00002-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-10-22-00003-P	03/09/23	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-10-22-00004-P	03/09/23	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-10-22-00005-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-22-00006-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-10-22-00007-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-10-22-00008-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-49-21-00001-P	12/08/22	Incarcerated Individual Correspondence Program	To further clarify facility mail processing procedures
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-45-21-00001-P	11/10/22	Commercial Production Credit Program	Update regulations to include a third party verification process for application submissions.
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.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ELECTIONS, STATE BOARD OF			
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-49-21-00008-EP	12/08/22	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health
ENV-49-21-00009-P	12/08/22	Freshwater fishing regulation simplification and clean-up	Eliminate unnecessary regulations, provide consistency and align regulations with actual management intent
ENV-51-21-00003-P	04/07/23	Environmental Remediation Programs	To amend 6 NYCRR Part 375, Environmental Remediation Programs.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-42-21-00011-P	10/20/22	DISCLOSURE REQUIREMENTS FOR CERTAIN PROVIDERS OF COMMERCIAL FINANCING TRANSACTIONS	To provide new disclosure rules for small business financings
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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
DFS-11-22-00001-P	03/16/23	Separate Accounts and Separate Account Contracts	To establish standards for separate accounts and separate account contracts.
GAMING COMMISSION, NEW YORK STATE			
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-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-46-21-00007-P	11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes
HLT-50-21-00001-EP	12/15/22	Prevention of COVID-19 Transmission by Covered Entities	To require covered entities to ensure their personnel are fully vaccinated against COVID-19 subject to certain exemptions.
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease.
HLT-50-21-00003-EP	12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread.
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-10-22-00009-P	03/09/23	Updated Retention Standards for Adult Care Facilities	To ensure admission and retention standards for adult care facilities are consistent with the Americans with Disabilities Act.
HLT-12-22-00001-P	03/23/23	Clinical Laboratories and Blood Banks	To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel
HLT-12-22-00002-P	03/23/23	Reporting of Acute HIV Infection	To require clinicians to report any case of acute HIV within 24 hours of diagnoses
HLT-12-22-00003-P	03/23/23	Telehealth Services	To ensure continuity of care of telehealth services provided to Medicaid enrollees
HUMAN RIGHTS, DIVISION OF			
HRT-15-21-00005-RP	07/13/22	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-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"
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MOTOR VEHICLES, DEPARTMENT OF			
MTV-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
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
PDD-10-22-00010-EP	03/09/23	Training Flexibilities	To provide flexibility in training requirements

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

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PUBLIC SERVICE COMMISSION			
*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 receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year

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PUBLIC SERVICE COMMISSION			
*PSC-18-05-00009-P exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*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

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PUBLIC SERVICE COMMISSION			
*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
*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

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PUBLIC SERVICE COMMISSION			
*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
*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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynege to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynege 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
*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.

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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 Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-18-21-00006-P	exempt	Community Choice Aggregation renewable products.	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products.
PSC-18-21-00008-P	exempt	RG&E's Economic Development Programs and exemption from funding limits.	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers.
PSC-19-21-00008-P	exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG).	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program.
PSC-19-21-00009-P	exempt	Major electric rate filing.	To consider an increase in O&R's electric delivery revenues.
PSC-19-21-00012-P	exempt	Major gas rate filing.	To consider an increase in O&R's gas delivery revenues.
PSC-20-21-00004-P	exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00015-P	exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-P	exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-21-00008-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).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-33-21-00008-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 Corning's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-36-21-00006-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-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q.	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified.
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems.	To consider modifications to the Clean Energy Standard.
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation.	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document.
PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers.
PSC-37-21-00014-P	..... exempt	Consideration of Time Warner Cable Information Services (New York)'s Revised Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented.
PSC-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-44-21-00012-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-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-48-21-00007-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-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-50-21-00010-P	..... exempt	New York City's proposal to procure Tier 4 Renewable Energy Certificates.	To modify load serving entity compliance obligations under the Clean Energy Standard.
PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00013-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-50-21-00014-P	..... exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency measures are in place.
PSC-51-21-00008-P	..... exempt	Distribution level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00009-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00010-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-51-21-00011-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00012-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00013-P	..... exempt	Distribution-level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00014-P	..... exempt	Distribution level demand response programs	More efficient demand response programs to gain operational efficiency and shave peak demand
PSC-51-21-00015-P	..... exempt	PSC Regulation 16 NYCRR 86.3(b)(2), and 88.4(a)(4)	To consider the Applicants requests relating to the content of their application for transmission line siting
PSC-51-21-00016-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-52-21-00006-P	..... exempt	Proposed tariff revisions to the Companies firm demand response programs for the 2021-2022 season.	To effectuate more efficient firm gas demand response programs to gain operational efficiency and shave peak demand.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-21-00009-P	..... exempt	Authorization to recover costs for 19 transmission projects and related mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-52-21-00010-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-01-22-00007-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage systems 5 MW or less to the distribution system.
PSC-01-22-00008-P	..... exempt	Proposed transfer of the Company's capital stock to the Purchaser.	To determine if transfer of the Company's capital stock to the Purchaser is in the public interest.
PSC-01-22-00009-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00010-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-01-22-00011-P	..... exempt	Waiver of Article VII requirements.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-01-22-00012-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00013-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by the interconnecting utility.
PSC-01-22-00014-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00015-P	..... exempt	Petition to enter into a lease agreement and impose a surcharge.	To consider entry into a lease agreement and to impose a surcharge.
PSC-01-22-00016-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-01-22-00017-P	..... exempt	Establishment of the regulatory regime applicable to a renewable natural gas project.	To ensure appropriate regulation of a new gas corporation.
PSC-01-22-00018-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 19.6%	To ensure adequate levels of Installed Capacity.
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.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-10-22-00011-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-10-22-00012-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-10-22-00013-P	..... exempt	Agreement for the provision of water service and waivers.	To consider whether the terms of a service agreement and requested waivers are in the public interest.
PSC-10-22-00014-P	..... exempt	Amendments to Outdoor Gas Lighting tariff provisions.	To eliminate the outdated provisions concerning the use of natural gas for decorative outdoor lighting.
PSC-10-22-00015-P	..... exempt	To assign certain easement interests and to transfer certain Central Hudson's property to Transco.	To consider whether the easement interests and transfer of certain Central Hudson property to Transco is in the public interest.
PSC-10-22-00016-P	..... exempt	Amendments to Outdoor Gas Lighting tariff provisions.	To eliminate the outdated provisions concerning the use of natural gas for decorative outdoor lighting.
PSC-11-22-00012-P	..... exempt	Policies, budgets, and targets to support space and water heating electrification programs.	To consider revised budgets and targets for Con Edison's New York Clean Heat Program.
PSC-11-22-00013-P	..... exempt	Modifications to the budget and application to disadvantaged communities, limits of plugs per station, and funding levels.	Increase electric vehicle charging infrastructure in disadvantaged communities and other locations.
PSC-12-22-00006-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-12-22-00007-P	..... exempt	Expanded Solar For All Program for low-income customers.	To consider the appropriate design of an opt-out community solar program for low-income customers.
PSC-12-22-00008-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-12-22-00009-P	..... exempt	Linemen expenses shortfall for October 2020 to September 2021.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-12-22-00010-P	..... exempt	Proposed major rate increase in Liberty SLG's gas revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-12-22-00011-P	..... exempt	Proposed filing clarifying provisions under the Excelsior Jobs Program.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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
WORKERS' COMPENSATION BOARD			
WCB-28-21-00009-RP	..... 07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances
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

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE FORENSIC IDENTIFICATION UNIT/ADDITIONS Troop A Headquarters Batavia, Genesee County

Sealed bids for Project Nos. 45872-C, 45872-H, 45872-P and 45872-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Forensic Identification Unit & Additions, Troop A Headquarters, 4525 W. Saile Drive, Batavia (Genesee 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 New York State Police, until 2:00 p.m. on Wednesday, April 6, 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 \$200,700 for C, \$69,500 for H, \$39,800 for P, and \$70,600 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$8,000,000 and \$9,000,000 for C, between \$2,000,000 and \$3,000,000 for H, between \$500,000 and \$1,000,000 for P, and between \$2,000,000 and \$3,000,000 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 840 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 10:00 a.m. on March 23, 2022, at 4525 West Saile Drive, Batavia, 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 Andrew Yambor, (585-591-0356) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction and HVAC Work, an overall goal of 14% for MWBE participation, 7% for Minority-Owned Business Enterprises ("MBE") participation and 7% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Plumbing Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS

hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

REPLACE PATIO ROOFS

Capital District Psychiatric Center
Albany, Albany County

Sealed bids for Project No. 46021-C, comprising a contract for Construction Work, Replace Patio Roofs, Building 1, Capital District Psychiatric Center, 75 New Scotland Avenue, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, April 13, 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 \$19,500 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Cook, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements

and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

 X Project commenced design before January 1, 2020. Not subject to provision.

 Project commenced design on or after January 1, 2020. Subject to provision.

The substantial completion date for this project is 175 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 10:00 a.m. on March 31, 2022, at Capital District Psychiatric Center, 75 New Scotland Avenue, Albany NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Aaron Cooke (518-337-3387) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view

and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

**REPLACE
SIDEWALKS/WATERPROOFING
Binghamton State Office Building
Binghamton, Broome County**

Sealed bids for Project No. 47074-C, comprising separate contracts for Construction Work, Replace Sidewalks & Waterproofing, Binghamton State Office Building, 44 Hawley Street, Binghamton (Broome County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, April 6, 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 \$47,700 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. 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 in-

flation 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 419 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 10:00 a.m. on March 23, 2022, at the Binghamton State Office Building, 44 Hawley Street, Binghamton, 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 Welch, (607-721-8716) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below

and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

PROVIDE
STANDBY GENERATOR/FUEL STORAGE TANK
 SUNY Downstate Health Sciences University
 Brooklyn, Kings County

Sealed bids for Project No. 47083-E, comprising a contract for Electrical Work, Provide Standby Generator & Fuel Storage Tank, SUNY Downstate Health Sciences University, 450 Clarkson Avenue, Brooklyn (Kings 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 Downstate Medical Center, until 2:00 p.m. on Wednesday, April 6, 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 \$63,000 for E).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

- Project commenced design before January 1, 2020. Not subject to provision.
- Project commenced design on or after January 1, 2020. Subject to provision.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 24th, 2022, at 450 Clarkson Avenue, Brooklyn, NY 11203. 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 Jill Knight (718-804-0730) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). 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 documents can be accessed at the following link: <http://www.bidexpress.com>

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

For all other questions, please send an email to DCPlans@ogs.ny.gov, or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By OGS - Design & Construction Group

PROVIDE
SALT STORAGE BUILDINGS
 Department of Transportation Region 5
 Tonawanda and Hamburg, Erie County

Sealed bids for Project Nos. 47095-C and 47095-E, comprising separate contracts for Construction Work, and Electrical Work,

Provide Salt Storage Buildings, Various DOT Facilities, DOT Region 5, Tonawanda and Hamburg (Erie County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, March 30, 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 \$72,800 for C, and \$15,700 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 \$2,000,000 and \$3,000,000 for C, and between \$100,000 and \$250,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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 164 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 16, 2022, at 3754 Lakeview Rd, Hamburg, NY 14075. 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 Carina Scalise (716-462-8413) 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 14% for MWBE participation, 7% for Minority-Owned Business Enterprises (“MBE”) participation and 7% 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

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Department of Environmental Conservation
625 Broadway
Albany, NY 12233-3506

GOVERNMENTAL ENTITIES AND NOT FOR PROFIT CORPORATIONS LOCATED WITHIN THE GEOGRAPHIC BOUNDARIES OF THE HUDSON RIVER ESTUARY AND DIVISION OF MARINE RESOURCES PRIORITY AREAS
2022 Grants for Tributary Restoration and Resiliency Under the New York State Environmental Protection Fund

Applications will be accepted through 3:00 p.m. May 4, 2022 for grant funding under the 2022 Hudson River Estuary Grants Program for Tributary Restoration and Resiliency and Marine Habitat Tributary Restoration and Resiliency Grants. Anticipated grant funds from the New York State Environmental Protection Fund (NYS EPF) is approximately \$1,000,000. This is a competitive grant program and projects must achieve the objectives of the Hudson River Estuary Action Agenda (<https://www.dec.ny.gov/lands/5104.html>), or the New York State Ocean Action Plan (<https://www.dec.ny.gov/lands/84428.html>) identified in the Request for Application. Projects eligible for state assistance must be located within the geographic boundaries of the Hudson River Estuary or Marine Resources Priority Areas. The recipient must provide a match of at least 15% of the grant funding amount.

Applications must be completed online and are available on the New York State Grants Gateway at <https://grantsgateway.ny.gov>. The application ID Numbers are DEC01-HRE35-2022 (Hudson River Estuary Program) and DEC01-DMRTRB-2022 (Division of Marine Resources). All applicants must register in the Gateway to be eligible to apply for any NYS grant opportunity. Not-for-profit applicants must also be "prequalified" in the Grants Gateway system prior to the application deadline to be considered eligible for a grant. Information regarding registration and prequalification can be found at <https://grantsmanagement.ny.gov/>. Information regarding the Hudson River Estuary grant applications can be found at <https://www.dec.ny.gov/lands/5091.html>. Information regarding Division of Marine Resources grant applications can be found at <https://www.dec.ny.gov/lands/84428.html>. *For additional information, you may contact:* Department of Environmental Conservation, Hudson River Estuary Program at the above address or e-mail: HREPgrants@dec.ny.gov

Division of Homeland Security and Emergency Services

1220 Washington Ave.
Bldg. 7a, 4th Fl.
Albany, NY 12242

INDIAN TRIBAL GOVERNMENTS, LOCAL GOVERNMENTS
AND CERTAIN PRIVATE NON-PROFITS (PNPs)
Hazard Mitigation Grant Program (HMGP)

The New York State Division of Homeland Security and Emergency Services (DHSES) is pleased to announce the availability of Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) funds for Presidential Declaration: DR-4625 (Tropical Storm Fred).

FEDERAL FUNDS
AVAILABLE:

\$4,392,094 (estimated for projects)* For Declared Counties only: Allegany, Cayuga, Cortland, Lewis, Oneida, Onondaga, Steuben, Tioga, Yates

ELIGIBLE ACTIVITIES:

Implementing Hazard Mitigation Projects

DATE ANNOUNCED:

March 23, 2022

SUBAPPLICATIONS DUE
TO DHSES:

5:00 pm, Wednesday, June 1, 2022

(To disseminate program information to the widest possible audience, DHSES places program information on its website and asks that County Emergency Managers, Mitigation Coordinators, and other recipients of this notice to forward the information to interested eligible subapplicants in your County.)

* Please note: Advance Assistance (project scoping) and 5 Percent Initiative subapplications are also eligible for submission through this funding opportunity. All program requirements are available in FEMA's Hazard Mitigation Assistance (HMA) Unified Guidance and Addendum.

What is the HMGP?

After a Presidential disaster declaration, New York State receives HMGP funds to administer grant programs that support hazard mitigation planning and long-term mitigation measures that avoid loss of life, reduce damages to property and enhance the State's resiliency.

- The State of New York, acting through DHSES, is the applicant for FEMA's HMGP.

- Eligible subapplicants: Federally recognized Indian Tribal Governments, local governments (to include State-recognized Indian Tribes and authorized Indian Tribal organizations), and certain Private Non-Profits (PNPs) that perform a government-like function. Eligible applicants under FEMA's Public Assistance (PA) program are also eligible subapplicants under the HMGP.

- Ineligible subapplicants for HMGP assistance include individuals and businesses; however, eligible subapplicants may apply on their behalf.

- HMGP provides up to 75% reimbursement of eligible costs, not to exceed the award. There is a remaining 25% non-federal match. The non-federal cost share may consist of cash, donated or in-kind services, materials, or any combination thereof. While most Federal funds cannot be used for the non-federal match, there are some exceptions.¹

- Information about the HMGP and all program requirements are available in FEMA's Hazard Mitigation Assistance (HMA) Unified Guidance and Addendum (see link to guidance under "How to Apply" at the end of this announcement).

- HMGP funded projects must be cost-effective through verification that future benefits (losses avoided) are equal to or greater than the project's cost.

To receive HMGP funding, FEMA requires that a project be proven cost-effective using FEMA's Benefit-Cost Analysis (BCA) Toolkit.² If a formal BCA achieving a Benefit Cost Ratio (BCR) of 1.0 or greater (with supporting documentation) is not provided, substantive information to demonstrate that a BCR of 1.0 or greater is achievable must be included. Either instance requires supporting documentation, including but not limited to: a completed NYS DHSES BCA Worksheet,

documentation of historical damages (which may include a detailed attestation by a community official), copies of invoices, Project Worksheets (PWs) from FEMA's Public Assistance (PA) program, likelihood of future damages (including the population impacted).

State Priorities for Project Grants

The HMGP allows NYS to establish priorities that target damaged areas and enhance its resiliency posture by promoting strategies and activities identified in the NYS Standard Multi-Hazard Mitigation Plan (<https://mitigateny.availabs.org/strategies>). For this grant opportunity, HMGP funding will only be available in declared disaster counties for new subapplications and for resubmittals of projects previously deemed eligible by FEMA but unable to be funded through prior grant opportunities. All projects submitted will be ranked against each other based on priorities outlined below. The declared counties include: Allegany, Cayuga, Cortland, Lewis, Oneida, Onondaga, Steuben, Tioga, Yates.

PRIORITIZATION CRITERIA

- 1 Projects to be completed in, or that will have direct risk reduction benefits to vulnerable populations. See below.
- 2 Projects that address climate change adaption and resiliency with consideration of the future impacts and risks associated with climate change. This includes promoting climate resiliency and reducing risks associated with flooding, high winds, coastal erosion, droughts, and wildfires.
- 3 Projects that protect and/or mitigate risk to repetitive loss structures and critical infrastructure.
 - 3.1 Projects that protect and/or mitigate risk to critical infrastructure.
 - 3.2 Projects that support utilities or other critical facilities adapt to future conditions and reduce risks.
 - 3.3 Projects that protect and/or mitigate risk to repetitive loss structures.

Justice40 Initiative:

In accordance with the guiding principle of promoting equity and in implementing the Justice40 Initiative, the HMGP program is prioritizing assistance that benefits disadvantaged communities as referenced in Presidential Executive Order 14008. A disadvantaged community may be characterized by variables including, but not limited to: Low income; high and/or persistent poverty; high unemployment and underemployment; racial and ethnic segregation, particularly where the segregation stems from discrimination by government entities; linguistic isolation; high housing cost burden and substandard housing; distressed neighborhoods; high transportation cost burden and/or low transportation access; disproportionate environmental stressor burden and high cumulative impacts; limited water and sanitation access and affordability; disproportionate impacts from climate; high energy cost burden and low energy access; jobs lost through the energy transition; access to health care; and all geographic areas within Tribal jurisdictions.

As a result of New York State support of the federal Justice40 Initiative, DHSES is prioritizing projects that benefit the highest-risk communities and underserved populations within the State. Subapplicants are encouraged to make their case that a proposed project benefits disadvantaged communities (as outlined in the paragraph above). All cases submitted with disadvantaged community identification will be considered when supported utilizing predefined datasets (ex: SVI, ACS, NRI, etc.), supporting documents (ex: income surveys, local employment statistics, etc.), or any reasonable, and/or verifiable measure are used to support the high-risk criteria status determination. The final acceptance/approval of any disadvantaged community case will be determined by FEMA.

How to Apply

Complete subapplications must be submitted to DHSES no later than 5:00pm on June 1, 2022. For resubmittals of projects previously deemed eligible by FEMA, please be sure to submit using the subapplication package for DR-4625 (see link below).

Subapplications, all required forms, and guidance materials can be found on the DHSES website at: www.dhSES.ny.gov/hazard-mitigation

Please submit requests for technical assistance and/or questions to: HazardMitigation@dhSES.ny.gov

¹ Please consult FEMA's cost share guide (https://www.fema.gov/sites/default/files/2020-08/fema_hma_cost-share-guide.pdf) for more information.

² Visit FEMA's Benefit Cost Analysis website for more information: <https://www.fema.gov/grants/guidance-tools/benefit-cost-analysis>

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for April 2022 will be conducted on April 13 and April 14 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Concourse, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

PUBLIC NOTICE

Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the Office for Mental Health has declared Fee parcel 3 on a map entitled, "Acquisition Affecting Lands of the People of the State of New York, Elmwood Avenue, City of Rochester, Monroe County, New York", dated August 20, 2021, last revised September 7, 2021 and filed in the Office of General Services as OGS Map No. 2733, surplus, no longer useful or necessary for State program purposes, and has abandoned the property to the Commissioner of General Services for sale or other disposition as Unappropriated State Land.

For further information, please contact: Frank Pallante, Esq., Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, Frank.Pallante@ogs.ny.gov

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for long term care services to comply with enacted statutory provisions. The following changes are proposed:

Long Term Care Services

Effective on or after April 1, 2022, noticed provision for capitation payments intended for services provided by the Program of All-inclusive Care for the Elderly (PACE) plans will be revised. The Department proposes to amend the State Plan by updating the Amount that Would have Otherwise been Paid (AWOP) calculation and rate methodology description contained in the present State Plan for PACE plans due to modifications in the premium rate structure effective April 1, 2022. Specifically, as a result of the movement of beneficiaries and their corresponding cost data to managed care, this data source will also be used in the development of the AWOP and in the rate methodology as well as fee-for-service and other acceptable data sources consistent with Federal requirements. Rates will continue to be subject to the upper payment limit provisions under 42 CFR 460.182.

There is no estimated annual change to gross Medicaid expenditures as a result of this proposed amendment.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact: Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Livingston County

The County of Livingston, NY is soliciting proposals from qualified Administrative Service Agencies and/or Financial Organizations relating to trust service, administration and/or funding of an "eligible" IRC Section 457 deferred compensation plan under the New York Rules and Regulations and the Model Plan and an IRC Section 401(a) matching deferred compensation plan.

A copy of the proposal questionnaire may be obtained from: Stephen Brown, Managing Director – Investments, Stifel, 295 Woodcliff Dr., Suite 305, Fairport, NY 14450, (585) 267-8842, Stephen.brown@stifel.com

All proposals must be received no later than May 15th, 2022, 60 days from the date of publication in the New York State Register.

PUBLIC NOTICE

Department of State

Notice of Review of Request for

Brownfield Opportunity Area

Conformance Determination

Project: Lincoln at Bankside

Location: Port Morris Harlem Riverfront

Brownfield Opportunity Area

City of New York, Bronx County

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the Port Morris Harlem Riverfront Brownfield Opportunity Area, in the Bronx, on April 9, 2015. The designation of the Port Morris Harlem Riverfront Brownfield Opportunity Area was supported by a Nomination or a comprehensive planning tool that identifies strategies to revitalize the area which is affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for a designated Brownfield Opportunity Area.

On June 29, BOP 101 Lincoln Avenue LLC submitted a request for the Secretary of State to determine whether the Third at Bankside Project, which will be located within the designated Port Morris Harlem Riverfront Brownfield Opportunity Area, conform to the goals and priorities identified in the Nomination that was prepared for the designated Port Morris Harlem Riverfront Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application for a conformance determination is available online at: <https://dos.ny.gov/system/files/documents/2022/03/bop-101-lincoln-avenue-llc.pdf>

Comments must be submitted no later than December 17th, 2021, either by mail to: Christopher Bauer, Department of State, Office of Planning and Development, Ellicott Square Bldg., 295 Main St., 8th Fl., Rm. 821, Buffalo, NY 14203, or by email to: chris.bauer@dos.ny.gov

PUBLIC NOTICE

Department of State

F-2021-1143

Date of Issuance – March 23, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-1143, Genesee Yacht Club Inc., is proposing to maintain dredge up to 5,000 cubic yard of material over a 5-year time period with no more than 3,000 cubic yards in any single year. Material would be mechanically dredged down to an elevation of 237.8' (IGLD 85) from the club basin and riverfront out to the federal navigation channel.

The stated purpose of the proposed action "is to remove accumulated silt from uncontrolled upland erosion mainly from the southern Genesee River watershed. Removal of this silt will provide sufficient water depth and allow members to access boat slips and club facilities."

The proposed dredging is for the Genesee Yacht Club located along eastern shoreline of the Genesee River at 10 Marina Drive in the City of Rochester, Monroe County. The material would be placed at an open lake placement site in Lake Ontario ~1.5 miles northeast of the Rochester Harbor entrance.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-1143publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or April 22, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2021-1151

Date of Issuance – March 23, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-1151, Billy Jo Radecke, is proposing to maintain an existing 8' x 30' dock, remove an existing ~7' x 15' boat lift and install two additional docks and a new boat lift. The new docks would include an up to 13' wide by 46.5' long dock and an up to 12' wide by 42' long dock. All docks and the proposed boat lift would be pile supported. The docks, existing and proposed, would be parallel with and against the shoreline. The proposal is for the applicant's property on the St. Lawrence River at 45700 Landon Road, Wellesley Island, Town of Alandria, Jefferson County.

The stated purpose of the proposed action is to "Build new permanent Dock structure to accommodate 3-5 boats and 2 jet skis."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-1151publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by

filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or April 22, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2021-1168

Date of Issuance – March 23, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-1168, Niagara County, is proposing the installation of sloped stone revetment along ~1,285 linear feet of shoreline. As proposed the project would result in approximately 2,684 cubic yards of rock fill being discharged below the plane of Ordinary High Water. The revetment would have a maximum elevation of 254' (IGLD 85) and have a 1 on 1.5 slope and be comprised of toe armor stone, a double layer of armor stone, and a double layer of filter stone. The crest of the revetment would have an 11' wide stone construction access path. The total proposed width of the revetment would be 30' wide. The project also includes the removal of an existing bandstand structure and grading of the top of the slope. The proposal is for Krull Park located along the shoreline of Lake Ontario along East Main Street in the Town of Newfane, Niagara County.

The stated purpose of the proposed action "is to provide shoreline stabilization in the form of a stone revetment along the eroded Lake Ontario shoreline within the park boundaries. Erosion has led to stretches of nearly 30-foot-high exposures of soil and damage to the existing retaining wall infrastructure, as well as foundation damage to an existing bandstand at the top of the slope.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/03/f-2021-1168publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or April 22, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

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.

2022-0098 in the Matter of ABS Engineering, PLLC, Alex Schwartz, PE, 37 W. 37th St., 6th Fl., New York, NY 10018, for a variance concerning safety requirements, including the variable refrigerant flow system. Involved is a new building, seven stories in height, multifamily unit located at 52 Elizabeth St., New York 10013, County of New York, State of New York.

2022-0102 in the Matter of Skyline Engineering, Matthew Wavro, 42 W. 39th St., 10th Fl., New York, NY 10018, for a variance concerning safety requirements, including elimination of economizer requirement. Involved is a new building, eight stories in height located at 380 Chester Street, City of Brooklyn, NY 11212, County of Kings, State of New York.

2022-0103 in the Matter of Skyline Engineering, Matthew Wavro, 42 W. 39th St., 10th Fl., New York, NY 10018, for a variance concerning safety requirements, including elimination of economizer requirement. Involved is a new building, eight stories in height located at 305 Chester Street, City of Brooklyn, NY 11212, County of Kings, State of New York.

2022-0105 in the Matter of Skyline Engineering, Matthew Wavro, 42 W. 39th St., 10th Fl., New York, NY 10018, for a variance concerning safety requirements, including elimination of economizer requirements. Involved is a new building, eight stories in height located at 763 Thomas S. Boyland St., City of Brooklyn, NY 11212, County of Kings, 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.

2022-0106 Matter of Hierarchy Architecture & Design PLLC, Timothy John Costello, Seven Gaynor Ave., Manhasset, NY 11030, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 70 Bartlett Dr., Manhasset, Village of Munsey Park, NY 11030, County of Nassau, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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2022-0113 In the matter of Christopher Anagnost of Christopher George Real Estate, 418 N. Tioga St., Ithaca, NY 14850, for a variance for diminutive code issues concerning railings and guard rails at a two-family residence located at 404-406 Oak Ave., City of Ithaca, County of Tompkins, State of New York.

