
NEW YORK STATE

REGISTER

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Notice of Availability of State and Federal Funds

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 June 5, 2022
- the 45-day period expires on May 21, 2022
- the 30-day period expires on May 6, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
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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One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

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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

NOTICE OF ADOPTION

License to Grow Hemp and Hemp Research Authorizations

I.D. No. AAM-02-22-00002-A

Filing No. 213

Filing Date: 2022-03-22

Effective Date: 2022-04-06

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

Action taken: Repeal of Part 159; addition of new Part 159 to Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18, 506 and 508

Subject: License to Grow Hemp and Hemp Research Authorizations.

Purpose: To implement the New York State Hemp Grower License program.

Text or summary was published in the January 12, 2022 issue of the Register, I.D. No. AAM-02-22-00002-EP.

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

Text of rule and any required statements and analyses may be obtained from: Timothy Sweeney, Agricultural Policy Analyst, Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-2039, email: Timothy.Sweeney@agriculture.ny.gov

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 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.

Department of Corrections and Community Supervision

NOTICE OF WITHDRAWAL

Incarcerated Individual Correspondence Program

I.D. No. CCS-49-21-00001-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. CCS-49-21-00001-P, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on December 8, 2021.

Subject: Incarcerated Individual Correspondence Program.

Reason(s) for withdrawal of the proposed rule: Additional changes needed to update content and language outside of the changes noted in the NYS Register in December.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Incarcerated Individual Correspondence Program

I.D. No. CCS-14-22-00010-P

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

Proposed Action: This is a consensus rule making to amend Part 720 of Title 7 NYCRR.

Statutory authority: Corrections Law, section 70

Subject: Incarcerated Individual Correspondence Program.

Purpose: To further clarify facility mail processing procedures.

Text of proposed rule: Amend the title to Part 720 as follows:

[Inmate]Incarcerated Individual Correspondence Program
720.3 Outgoing mail.

Amend section 720.3(i) as follows:

(i) It is the responsibility of each [inmate]incarcerated individual to print or type his or her return address on the front upper-left-hand corner and on the back flap of each outgoing envelope exactly as illustrated below. The [inmate]incarcerated individual shall use his or her commitment name unless it has been legally changed. Failure to include all return address information in the order indicated may result in the opening and return of the mail to the [inmate]incarcerated individual. If the correspondence unit is unable to identify the [inmate]incarcerated individual sender, the mail will be destroyed by the facility.

[New York State
Great Meadow Correctional Facility
Department of Corrections and Community
Box 51
Supervision
Comstock, New York 12821-0051
John Doremi, 78-X-999 John Doremi, 78-X-999
(Envelope - front - upper left)

(Envelope - back flap - centered)]

Great Meadow Correctional Facility
 Box 51
 Comstock, New York 12821-0051
 John Doremi, 00-A-0000
 (Envelope - front - upper left)

New York State
 Department of Corrections and Community Supervision
 [Inmate]Incarcerated Individual Correspondence Program
 John Doremi, 00-A-0000
 (Envelope - back flap - centered)

Add new section 720.3(k) and re-letter remaining subsections as follows:

(k) *Incarcerated individuals who are unable to read or write may request the assistance of a staff member, volunteer, or another incarcerated individual for correspondence purposes.*

(k)l) [Inmates]Incarcerated individuals shall not conduct a mail-order or other business while under the custody of the department. Superintendents may direct administrative services, program services, or security services deputies to monitor correspondence patterns and financial accounts to detect any irregularities which would indicate this type of activity. Violation of this policy by an [inmate]incarcerated individual may result in disciplinary action and/or the monitoring of outgoing correspondence for a specified period of time.

(l)m) [Inmates]Incarcerated individuals shall not use their correspondence privileges to solicit or otherwise commercially advertise for money, services, or goods.

(m)n) Correspondence privileges shall not be used by an [inmate]incarcerated individual to engage in any form of gambling or to participate in any lottery, sweepstakes, or chain letter operation.

(n)o) An [inmate]incarcerated individual may send, at his/her own expense, a certified or registered letter, and the [inmate]incarcerated individual upon request will be provided with a "return receipt" after delivery has been made.

(o)p) An [inmate]incarcerated individual must request and pay for certified or registered mail service in order to have a valued personal document mailed out from personal property secured by the facility inmate records coordinator. Whenever such mail is prepared and sent by the I.R.C., a copy of the disbursement form and postal documentation showing the item has been sent will be filed in that [inmate's]incarcerated individual's personal property folder. If a "return receipt" has been requested as part of the postal service, it shall go directly to the [inmate]incarcerated individual.

(p)q) An [inmate]incarcerated individual shall not include any written material in outgoing mail not specifically intended for the addressee identified on the exterior of the envelope. Likewise, an [inmate]incarcerated individual shall not include in outgoing mail any written material for an [inmate]incarcerated individual not specifically identified as the sender on the exterior of the envelope. This practice, sometimes known as "kiting" may be the basis for disciplinary action.

(q)r) Outgoing correspondence that does not comply with this Part will be opened and returned to the [inmate]incarcerated individual. The correspondence unit shall indicate the reason for return.

720.4 Incoming mail.

Amend Section 720.4(a), add new subsection (3) as follows:

(3) *Publications received at the facility which are in a language other than English shall be referred for translation services to the Central Office Director of Education prior to referral to the Facility Media Review Committee (FMRC).*

Amend Section 720.4(b) as follows:

(b) Monies received.

When, in the course of inspection, cash, checks, or money orders from a clearly identifiable source are found, they shall be [removed and credited to the inmate's account, as appropriate. A copy of a check or money order made out to an inmate may be given to that inmate if the word "CANCELED," "COPY" or "VOID" is stamped or written across its face. If this has not been done, the copy will be returned to the sender.]mailed back to the sender, in accordance with departmental directive #4422. Facilities will continue to process cash received in the mailroom in accordance with departmental directive #4422. All anonymously received monies will be considered contraband and handled accordingly.

720.8 Postage.

Amend Section 720.8(a)(2) as follows:

(2) The maximum value of stamps in an [inmate's]incarcerated individual's personal possession should not exceed [\$22.50]the amount specified in department directive #4422.

Text of proposed rule and any required statements and analyses may be obtained from: Cathy Sheehan, Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington

Avenue, Harriman State Campus, Albany, NY 12226-2050, (518) 457-4951, email:Rules@DOCCS.ny.gov.

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

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

Consensus Rule Making Determination

The Department of Correctional and Community Supervision (DOCCS) has determined that no person is likely to object to the proposed action. The amendment of these sections corrects spelling and updates employee responsibility. See SAPA Section 102(11)(a).

Job Impact Statement

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities. This proposal will amend the current regulation to allow incarcerated individuals who cannot read or write to request assistance for correspondence, to clarify the responsibilities of correctional facilities with respect to processing media that is not written in English, and to clarify the responsibilities of a correctional facility in processing incoming cash, checks, or money orders addressed to incarcerated individuals.

Department of Environmental Conservation

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

Amendments to New York State Spring Turkey Hunting Regulations

I.D. No. ENV-14-22-00005-P

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

Proposed Action: Amendment of section 1.40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0303, 11-0903 and 11-0905

Subject: Amendments to New York State spring turkey hunting regulations.

Purpose: To increase hunting opportunities in Wildlife Management Unit 1C and to modernize allowable take methods.

Text of proposed rule: 6 NYCRR 1.40(c)(2) is amended as follows:

(2) Spring. A permittee may hunt wild turkey only during those open seasons and in those wildlife management units (as described in section 4.1 of this Title) listed below.

Open season	Wildlife management units
Closed	1A[, 1C] and 2A
May 1st to May 31st	Rest of the State

6 NYCRR 1.40(d)(2) is amended as follows:

(2) Spring. A permittee may take:

(i) two bearded turkeys during the spring season as defined in paragraph (c)(2) of this section; however

(ii) no more than one bearded turkey per day; and

(iii) no more than one bearded turkey in WMU 1C

6 NYCRR 1.40(f)(3) is amended as follows:

(3) A permittee may hunt turkey with a shotgun or handgun loaded with shot no larger than number 2 and no smaller than number [8]9.

Text of proposed rule and any required statements and analyses may be obtained from: Joshua Stiller, Division of Fish and Wildlife, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8861, email: Joshua.Stiller@dec.ny.gov

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

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

Additional matter required by statute: Pursuant to Article 8 of the Environmental Conservation Law, and the State Environmental Quality Review Act, an Environmental Assessment Form and a negative declaration determination of significance have been prepared and are on file with the Department.

Regulatory Impact Statement

1. Statutory authority:
The Commissioner of the Department of Environmental Conservation (Department or DEC), pursuant to Environmental Conservation Law (ECL) section 3-0301, has authority to promote the management of the wildlife resources of New York State. Section 11-0903 authorizes DEC to establish wild turkey open seasons and bag limits via regulation. Section 11-0303 of the Environmental Conservation Law directs the Department to develop and carry out programs that will maintain desirable species in ecological balance, and to observe sound management practices. This directive is to be met with consideration given to ecological factors, the compatibility of production and harvest of wildlife with other land uses, the importance of wildlife for recreational purposes, public safety, and protection of private premises. ECL sections 11-0903 and 11-0905 allow the Department to adopt rules and regulations in relation to the hunting of wild turkey.

2. Legislative objectives:
In adopting various articles of the ECL, the Legislature has established wildlife conservation to be a policy of the State and has empowered the Department to exercise care, custody, and control over the State's wildlife resources, certain recreational pursuits, State lands and other real property. Consistent with these statutory and policy interests, the proposed regulations will responsibly manage and protect natural resources as well as the safety and welfare of those who engage in wild turkey hunting.

3. Needs and benefits:
This rulemaking is necessary to modernize regulations to reflect advances in shotgun ammunition efficacy. Shot size restrictions are in place to ensure animals are safely and ethically harvested by hunters. Over the past 10 years, there have been significant advances to turkey shot technologies with many companies now producing specialized Tungsten shot that is heavier and more effective than lead, even with smaller shot sizes. This change would allow hunters to use these improved shot options to legally harvest turkeys in New York State, increasing opportunities for hunters that want to shoot smaller gauge shotguns.

Additionally, DEC seeks to establish a regular spring turkey hunting season in Wildlife Management Unit (WMU) 1C. This new season will provide additional opportunity to the 18,000 turkey permit holders that reside in Nassau and Suffolk Counties. Turkey populations on Long Island have increased over the past 20 years to a point where landowner conflicts are beginning to occur. Hunting season can be an effective management tool to mitigate conflicts while providing New York hunters with recreational opportunity.

4. Costs:
The costs associated with adopting the proposed regulation are minimal. The changes may result in minor administrative cost increases for law enforcement and managing hunting on cooperative hunting areas in WMU 1C.

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

6. Paperwork:
The proposed rule does not create a need for additional paperwork.

7. Duplication:
The proposed amendment does not duplicate any state or federal requirement.

8. Alternatives:
No change. If a spring turkey hunting season is not established in WMU 1C, New York State hunters would be foregoing recreational opportunity. Current turkey populations are more than sufficient to support recreational opportunity and foregoing that opportunity may lead to increasing populations and subsequently increased human-turkey conflicts. Making no change to allowable shot sizes may limit opportunity for younger hunters interested in shooting smaller gauge shotguns (e.g., .410 and 28 gauge).

Allow spring wild turkey hunting in WMU 1C but make no change to legal shot sizes.

Making no change to allowable shot sizes may limit opportunity for younger hunters interested in shooting smaller gauge shotguns (e.g., .410 and 28 gauge).

Allow up to size 9 shot statewide but make no change to spring turkey seasons.

If a spring turkey hunting season is not established in WMU 1C, New York State hunters would be foregoing recreational opportunity. Current turkey populations are more than sufficient to support recreational opportunity and foregoing that opportunity may lead to increasing populations and subsequently increased human-turkey conflicts.

9. Federal standards:
None.

10. Compliance schedule:
The regulated community will be required to comply with these regulations upon their adoption.

Regulatory Flexibility Analysis

This rulemaking would amend the Department of Environmental Conservation's (Department) regulations found in Title 6, Chapter I,

Subchapter A, Part 1, Section 1.40 of the New York State Codes, Rules and Regulations governing turkey hunting seasons. This rulemaking is necessary to maximize hunter opportunities under NYCRR and to ensure turkey populations are fully utilized and balanced to prevent human-turkey conflicts.

The Department does not anticipate any negative impacts on small businesses and local governments, therefore a regulatory flexibility analysis for small businesses and local governments is not required.

Rural Area Flexibility Analysis

This rulemaking would amend the Department of Environmental Conservation's (Department) regulations found in Title 6, Chapter I, Subchapter A, Part 1, Section 1.40 of the New York State Codes, Rules and Regulations governing turkey hunting seasons. This rulemaking is necessary to maximize hunter opportunities under NYCRR and to ensure turkey populations are fully utilized and balanced to prevent human-turkey conflicts.

The Department does not anticipate any negative impacts to rural areas, therefore a rural flexibility analysis is not required.

Job Impact Statement

This rulemaking would amend the Department of Environmental Conservation's (Department) regulations found in Title 6, Chapter I, Subchapter A, Part 1, Section 1.40 of the New York State Codes, Rules and Regulations governing turkey hunting seasons. This rulemaking is necessary to maximize hunter opportunities under NYCRR and to ensure turkey populations are fully utilized and balanced to prevent human-turkey conflicts.

The Department has determined that this rule making will not have a substantial adverse impact on jobs and employment opportunities. Few, if any, persons actually hunt as a means of employment. Such a person, for whom hunting is an income source (e.g., professional guides), will not suffer any substantial adverse impact as a result of this proposed rule-making. If anything, the proposed changes will increase hunting opportunities and may positively affect employment and tourism opportunities on Long Island. For this reason, the Department anticipates that this rule making will have no negative impact on jobs and employment opportunities.

Therefore, the Department has determined that a job impact statement is not required.

Department of Financial Services

EMERGENCY RULE MAKING

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

I.D. No. DFS-14-22-00001-E

Filing No. 209

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: Addition of section 52.76(b) to Title 11 NYCRR.

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

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

Specific reasons underlying the finding of necessity: New York State has made incredible progress in the fight against COVID-19. The percent of New Yorkers who have completed the COVID-19 vaccine series is approximately 75%. That means that approximately 25% of New Yorkers—almost 5 million people—have not completed the COVID-19 vaccination series.

The Center for Disease Control and Prevention (“CDC”) states that “Getting vaccinated against COVID-19 can lower your risk of getting and spreading the virus that causes COVID-19. Vaccines can also help prevent serious illness and death.” Furthermore, the CDC states that “even as the vaccine’s ability to prevent infection decreases with time, COVID-19 vaccination continues to reduce the risk of hospitalization and death when people become infected with COVID-19.”

It is therefore essential that New Yorkers have coverage for COVID-19 immunizations and the administration thereof, including any visits neces-

sary to obtain the immunization, so that there are no barriers for New Yorkers to expeditiously obtain the immunizations.

This amendment requires authorized insurers and health maintenance organizations that issue a policy or contract that provides hospital, surgical, or medical care coverage, excluding grandfathered health plans, to provide coverage, with no cost-sharing, of COVID-19 immunizations and the administration thereof immediately upon the earliest of the date on which: (1) the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices issues a recommendation for the COVID-19 immunization; (2) the United States Preventive Services Taskforce issues a recommendation with an "A" or "B" rating for the COVID-19 immunization; or (3) the Superintendent of Financial Services ("Superintendent") determines, in consultation with the Commissioner of Health, that a policy or contract must cover the COVID-19 immunization.

Given the public health implications of COVID-19, it is essential that there are no barriers to New Yorkers accessing COVID-19 immunizations. Failure to ensure coverage of COVID-19 immunizations and the administration thereof could jeopardize the health and safety of the people of New York. Accordingly, it is imperative that this amendment be promulgated on an emergency basis for the preservation of the public health.

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

Purpose: To require immediate coverage, without cost-sharing, for COVID-19 immunizations and the administration thereof.

Text of emergency rule: A new section 52.76(b) is added as follows:

(b)(1) *Except as provided in paragraph (2) of this subdivision, a policy that provides hospital, surgical, or medical care coverage shall cover coronavirus disease 2019 (COVID-19) immunizations, and the administration thereof, immediately upon the earliest of the date on which: (i) the advisory committee on immunization practices of the federal centers for disease control issues a recommendation for the COVID-19 immunization; (ii) the United States preventive services task force issues a recommendation with an "A" or "B" rating for the COVID-19 immunization; or (iii) the superintendent determines, in consultation with the commissioner of health, that a policy shall cover the COVID-19 immunization, COVID-19 immunizations, and administration thereof, including any visits necessary to obtain the immunizations, administered at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by this State or the federal government to administer or host the administration of the immunization, shall not be subject to annual deductibles, coinsurance, copayments, or any other out-of-pocket cost.*

(2) *The coverage required under paragraph (1) of this subdivision shall not be limited to COVID-19 immunizations, and the administration thereof, administered by participating providers and shall apply to such immunizations, and the administration thereof, administered by non-participating providers until the expiration of the federally declared public health emergency.*

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 13, 2022.

Text of rule and any required statements and analyses may be obtained from: Colleen Rumsey, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-0154, email: Colleen.Rumsey@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Financial Services Law ("FSL") Sections 202 and 302 and Insurance Law ("IL") Sections 301, 3216, 3217, 3221, and 4303.

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

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

IL Sections 3216, 3221, and 4303 set forth the standard provisions in individual, small group, large group, and blanket accident and health insurance policies and contracts. Specifically, Insurance Law Sections 3216(i)(17)(B)(ii) and (iii), 3221(l)(8)(B)(ii) and (iii), and 4303(j)(2)(B) and (C) require individual, group, and blanket policies or contracts that provide medical, major medical, or similar comprehensive-type coverage to cover an immunization, at no cost-sharing, for children who are 19 years old or younger if determined to be a necessary immunization by the Superintendent, in consultation with the Commissioner of Health. Insurance Law Sections 3216(i)(17)(E), 3221(l)(8)(E) and (F), and 4303(j)(3) further require individual, group, and blanket policies or contracts that provide hospital, surgical, or medical care coverage, except for a grandfathered health plan, to cover, at no cost-sharing, preventive care and screenings that have in effect a rating of "A" or "B" in the current recommendations of the United States Preventive Services Taskforce ("USPSTF") and immunizations that have in effect a recommendation from the Centers for Disease Control and Prevention's ("CDC's") Advisory Committee on Immunization Practices ("ACIP") regardless of the age of the recipient.

IL Section 3217(a) authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of accident and health insurance policies and subscriber contracts of corporations organized under IL Articles 32 and 43 and Public Health Law Article 44.

2. Legislative objectives: The statutory sections cited above establish the minimum standards for the form, content, and sale of accident and health insurance, including coverage for certain immunizations with no cost-sharing. This amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections of the IL by requiring coverage for coronavirus disease 2019 ("COVID-19") immunizations and the administration thereof immediately upon the earliest of the date on which: (1) the ACIP issues a recommendation for the COVID-19 immunization; (2) the USPSTF issues a recommendation with an "A" or "B" rating for the COVID-19 immunization; or (3) the Superintendent determines, in consultation with the Commissioner of Health, that a policy or contract must cover the COVID-19 immunization. This amendment also prohibits copayments, coinsurance, annual deductibles, and any other out-of-pocket costs for such immunizations and the administration thereof.

3. Needs and benefits: New York State has made incredible progress in the fight against COVID-19. The percent of New Yorkers who have completed the COVID-19 vaccine series is approximately 75%. That means that approximately 25% of New Yorkers—almost 5 million people—have not completed the COVID-19 vaccination series.

The Center for Disease Control and Prevention ("CDC") states that "Getting vaccinated against COVID-19 can lower your risk of getting and spreading the virus that causes COVID-19. Vaccines can also help prevent serious illness and death." Furthermore, the CDC states that "even as the vaccine's ability to prevent infection decreases with time, COVID-19 vaccination continues to reduce the risk of hospitalization and death when people become infected with COVID-19."

It is therefore essential that New Yorkers have coverage for COVID-19 immunizations and the administration thereof, including any visits necessary to obtain the immunization, so that there are no barriers for New Yorkers to expeditiously obtain the immunizations.

This amendment requires authorized insurers and health maintenance organizations (collectively, "health care plans") that issue a policy or contract that provides hospital, surgical, or medical care coverage, except grandfathered health plans, to provide coverage of COVID-19 immunizations and the administration thereof immediately upon the earliest of the date on which: (1) the ACIP issues a recommendation for the COVID-19 immunization; (2) the USPSTF issues a recommendation with an "A" or "B" rating for the COVID-19 immunization; or (3) the Superintendent determines, in consultation with the Commissioner of Health, that a policy or contract must cover the COVID-19 immunization. Coverage for COVID-19 immunizations, and the administration thereof, and any visits necessary to obtain the immunizations at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the federal government to administer or host the administration of the immunization, will not be subject to annual deductibles, coinsurance, copayments, or any other out-of-pocket cost. There will be coverage for COVID-19 immunizations administered by non-participating providers until the expiration of the federally declared public health emergency.

The federal Departments of Health and Human Services, Treasury, and Labor ("federal Departments") have issued Interim Final Rule 85 Fed. Reg. 71142 (November 6, 2020) ("federal rules") that address coverage for COVID-19 immunizations and their administration. The federal rules require COVID-19 immunizations and their administration to be covered when provided by out-of-network providers for the duration of the federal public health emergency for COVID-19. The federal rules state that reimbursement for out-of-network providers must be made in an amount that is reasonable, as determined by comparison to prevailing market rates for such services. The preamble to the federal rules indicates that the federal Departments will consider the amount of payment to be reasonable if the health care plan pays the provider the amount that would be paid under Medicare for the service, although the federal Departments are seeking comments on this approach. The Department of Financial Services ("Department") may address out-of-network provider reimbursement for COVID-19 immunizations and their administration in future rulemaking if the federal rules are finalized.

4. Costs: Health care plans may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates. However, any costs should be minimal because health care plans submit policy and contract forms and rates as a part of the normal course of business.

This amendment does not impose any costs on providers.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Depart-

ment should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

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

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

6. Paperwork: Health care plans may need to file new policy and contract forms and rates with the Superintendent.

Providers and local governments should not incur any additional paperwork to comply with this amendment.

7. Duplication: The federal Departments have issued federal rules interpreting the immunization requirements of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), codified at 15 U.S.C. Section 9001 et seq. The federal rules require issuers to cover COVID-19 immunizations and their administration with no cost-sharing under all non-grandfathered group and individual comprehensive health insurance policies and contracts when administered by providers enrolled in the CDC COVID-19 Vaccination Program.

The federal rules also require COVID-19 immunizations and their administration to be covered when provided by out-of-network providers for the duration of the federally declared public health emergency for COVID-19. The federal requirement for out-of-network coverage ends when the federally declared public health emergency is terminated.

Furthermore, the CARES Act requires coverage of any COVID-19 immunizations and their administration within 15 business days after the immunization has been recommended by ACIP.

8. Alternatives: There are no significant alternatives to consider.

9. Federal standards: The amendment exceeds the minimum standards of the federal government for this subject area. This amendment requires: (1) coverage for COVID-19 immunizations and the administration thereof at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the federal government to administer or host the administration of the immunization; (2) coverage immediately upon certain triggering events; and (3) coverage for COVID-19 immunizations administered by non-participating providers until the expiration of the federally declared public health emergency.

10. Compliance schedule: The rule will take effect immediately upon the filing of the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

1. Effect of rule: This rule affects authorized insurers and health maintenance organizations (collectively, "health care plans") and providers. This amendment requires a policy or contract that provides hospital, surgical, or medical care coverage, excluding grandfathered health plans, to provide immediate coverage, without cost sharing, of COVID-19 immunizations and the administration thereof at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the federal government to administer or host the administration of the immunization.

Industry has asserted that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses will be affected by this amendment.

This amendment does not affect local governments.

2. Compliance requirements: No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment because the amendment does not apply to any local government.

A health care plan that is a small business may be subject to reporting, recordkeeping, or other compliance requirements as the health care plan may need to file new policy or contract forms and rates with the Superintendent of Financial Services.

A provider that is a small business should not be subject to reporting, recordkeeping, or other compliance requirements.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No health care plan or provider that is a small business should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

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

A health care plan that is a small business may incur costs to comply with this amendment because it may need to file new policy or contract forms and rates. However, any costs should be minimal because health care plans submit policy and contract forms and rates as a part of the normal course of business.

This amendment does not impose any additional costs on a provider that is a small business.

5. Economic and technological feasibility: This amendment does not

apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business because the amendment uniformly affects all health care plans and providers.

7. Small business and local government participation: The Department of Financial Services ("Department") notified trade associations representing health care plans that are small businesses that it intended to promulgate this amendment. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, "health care plans") and providers affected by this amendment operate in every county in New York State, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan may need to file new policy or contract forms and rates with the Department of Financial Services ("Department").

A provider, including a provider in a rural area, should not be subject to reporting, recordkeeping, or other compliance requirements.

A health care plan and provider, including those in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: Health care plans, including those in rural areas, may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates with the Department. However, any costs should be minimal because health care plans submit policy and contract forms and rates as a part of the normal course of business.

Providers, including those in rural areas, should not incur additional costs to comply with the amendment.

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

5. Rural area participation: The Department notified trade associations representing health care plans that are in rural areas that it intended to promulgate this amendment. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment requires a policy or contract that provides hospital, surgical, or medical care coverage, excluding grandfathered health plans, to provide immediate coverage, without cost sharing, of COVID-19 immunizations and the administration thereof at a provider's office, facility, pharmacy, or other setting, including any provider or location authorized by New York State or the federal government to administer or host the administration of the immunization. As a result, there should be no impact on jobs or employment opportunities.

**EMERGENCY
RULE MAKING**

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

I.D. No. DFS-14-22-00002-E

Filing No. 210

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: Addition of section 52.16(p) to Title 11 NYCRR.

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

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

Specific reasons underlying the finding of necessity: While New York State has made incredible progress in the fight against COVID-19, to continue to effectively monitor infection levels and encourage the public to test for COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

A component of the federal government's recently released National COVID-19 Preparedness Plan to combat the virus is the protection and treatment of people who test positive for COVID-19. The government has secured millions of courses of the Pfizer anti-viral pill that has been shown to reduce the risk of hospitalization or death from COVID-19 by 89%. See <https://www.whitehouse.gov/covidplan/>. Obtaining the medication is dependent upon a positive COVID-19 test result. To ensure that New Yorkers are provided all medical intervention available to keep them safe, it is necessary to encourage the public to test for COVID-19 and eliminate cost-sharing so that it does not serve as a barrier to COVID-19 testing.

Consistent with the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), codified at 15 U.S.C. Section 9001 et seq., this amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

Since the COVID-19 pandemic is constantly evolving, and to ensure that cost-sharing does not serve as a barrier to testing for COVID-19, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health.

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

Purpose: To waive cost-sharing for in-network visits and laboratory tests necessary to diagnose the novel coronavirus (COVID-19).

Text of emergency rule: Section 52.16(p) is added as follows:

(p)(1) *No policy or contract delivered or issued for delivery in this State that provides hospital, surgical, or medical expense insurance coverage shall impose, and no insured shall be required to pay, copayments, coinsurance, or annual deductibles for the following services when covered under the policy or contract:*

(i) *in-network laboratory tests to diagnose the novel coronavirus (COVID-19); and*

(ii) *visits to diagnose the novel coronavirus (COVID-19) at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose the novel coronavirus (COVID-19), or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for the novel coronavirus (COVID-19), including an inpatient hospital admission, as otherwise permitted by law.*

(2) *An insurer shall provide written notification to its in-network providers that they shall not collect any deductible, copayment, or coinsurance in accordance with this subdivision.*

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 13, 2022.

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

Regulatory Impact Statement

1. Statutory authority: Financial Services Law sections 202 and 302 and Insurance Law sections 301, 3216, 3217, 3221, and 4303.

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

Financial Services Law section 302 and Insurance Law section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and Article 43 and Public Health Law Article 44.

Insurance Law section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. Legislative objectives: The statutory sections cited above establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure. This proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections of the Insurance Law by prohibiting the imposition of copayments, coinsurance, or annual deductibles for in-network laboratory tests to diagnose the novel coronavirus ("COVID-19") and visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital.

3. Needs and benefits: While New York State has made incredible progress in the fight against COVID-19, to continue to effectively monitor infection levels and encourage the public to test for COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

A component of the federal government's recently released National COVID-19 Preparedness Plan to combat the virus is the protection and treatment of people who test positive for COVID-19. The government has secured millions of courses of the Pfizer anti-viral pill that has been shown to reduce the risk of hospitalization or death from COVID-19 by 89%. See <https://www.whitehouse.gov/covidplan/>. Obtaining the medication is dependent upon a positive COVID-19 test result. To ensure that New Yorkers are provided all medical intervention available to keep them safe, it is necessary to encourage the public to test for COVID-19 and eliminate cost-sharing so that it does not serve as a barrier to COVID-19 testing.

Consistent with the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), codified at 15 U.S.C. Section 9001 et seq., this amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

The Department of Financial Services ("Department") expects every health care plan to reimburse a provider, including reimbursement for the insured's waived copayment, coinsurance, or annual deductible, with respect to any impacted claims.

Given the public health implications related to COVID-19, it is essential that cost-sharing does not serve as a barrier to testing for COVID-19. The waiver of copayments, coinsurance, and annual deductibles is necessary to ensure that people are not deterred from seeing a provider and getting tested for COVID-19. Failure to do so could result in the further spread of this epidemic and could jeopardize the health and safety of the people of New York.

4. Costs: Health care plans may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates and they will need to provide the written notification to in-network providers regarding this amendment. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

This amendment may impose costs on providers because they will need to ensure that insureds are not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

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

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

6. Paperwork: Health care plans are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for laboratory tests and visits to diagnose COVID-19. This notification may be provided electronically as part of existing communications that occur between health care plans and in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

Providers and local governments should not incur additional paperwork to comply with this amendment.

7. Duplication: This amendment does not duplicate, overlap, or conflict with any existing state or federal rules or other legal requirements. It is consistent with the federal CARES Act.

8. Alternatives: There are no significant alternatives to consider.

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

10. Compliance schedule: The rule will take effect immediately upon filing of the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

1. Effect of rule: This rule affects health maintenance organizations and authorized insurers (collectively, "health care plans") and health care providers ("providers"). This amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose the novel coronavirus ("COVID-19") and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses will be affected by this amendment.

This amendment does not affect local governments.

2. Compliance requirements: No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment because the amendment does not apply to any local government.

A health care plan that is a small business affected by this amendment, if any, may be subject to reporting, recordkeeping, or other compliance requirements as the health care plan may need to file new policy and contract forms and rates with the Superintendent and will be required to provide written notification of the amendment to its in-network providers.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements as the provider must ensure that an insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment at any time, including at the time services are provided.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No health care plan or provider that is a small business affected by this amendment should need to retain profes-

sional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may need to file new policy or contract forms and rates and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

A provider that is a small business may incur additional costs to comply with the amendment, which may include costs to ensure that the insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed at any time, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business affected by the amendment, if any, because the amendment uniformly affects all health care plans and providers. In addition, a provider that is a small business should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims from the health care plan directly.

7. Small business and local government participation: The Department of Financial Services ("Department") contacted trade associations representing health care plans that are small businesses before it promulgated this amendment and considered comments it received from these associations. The Department also notified trade associations representing providers that are small businesses that it intended to promulgate this amendment and considered comments it received from these associations. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, "health care plans") and health care providers ("providers") affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") and will be required to provide written notification of the amendment to its in-network providers.

A provider, including a provider in a rural area, may be subject to reporting, recordkeeping, or other compliance requirements as the provider must ensure that an insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment at any time, including at the time the services are provided.

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

3. Costs: Health care plans and providers, including those in rural areas, may incur additional costs to comply with the amendment. A health care plan may incur additional compliance costs as it may need to file new policy and contract forms and rates with the Department and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

A provider, including those in rural areas, may incur additional costs to comply with the amendment. Those additional costs may include costs to ensure that the insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed at any time, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

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

5. Rural area participation: The Department contacted trade associations representing health care plans that are in rural areas before it promulgated this amendment and considered comments it received from these associations. The Department also notified trade associations representing providers in rural areas that it intended to promulgate this amendment and considered comments it received from these associations. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment prohibits policies and contracts of hospital, surgical, or medical expense insurance from imposing, and provides that no insured shall be required to pay, copayments, co-insurance, and annual deductibles for covered in-network laboratory tests to diagnose the novel coronavirus ("COVID-19") and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network health care provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. As a result, there should be no impact on jobs or employment opportunities.

EMERGENCY RULE MAKING

Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services

I.D. No. DFS-14-22-00003-E

Filing No. 211

Filing Date: 2022-03-18

Effective Date: 2022-03-18

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

Action taken: Addition of Part 2 to Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 302, 305; State Administrative Procedure Act, section 301

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

Specific reasons underlying the finding of necessity: COVID-19 has spread to hundreds of millions of people worldwide, with more than 4.9 million confirmed cases and over 65,000 deaths in New York State since March 2020. Although the number of positive test results, hospitalizations, and deaths have diminished, COVID-19 remains a concern, most especially for persons with underlying health conditions that may make them more susceptible to poor medical outcomes if infected with the virus. Given the public health implications related to COVID-19, it is essential that the Department of Financial Services ("Department") promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

This amendment adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department's discretion. This is being done so that the parties and hearing officers do not have to be physically present at the same location during hearings. A hearing officer will determine, upon a timely objection filed by a party, if a hearing held by videoconference would either impinge upon the party's due process rights, or would be fundamentally unfair or impractical, according to section 2.19(d) of the regulation.

The Department is taking special precautions during this unprecedented health crisis to minimize the spread of COVID-19 by, among other things, reducing the number of individuals who may enter the Department's offices at any given time. Therefore, conducting an administrative hearing by videoconference protects the safety of those participating in, or witnessing the hearing, by avoiding personal contact. This will help limit the spread of COVID-19. Thus, it is imperative that this amendment be promulgated on an emergency basis for the public's general welfare and the preservation of public health.

Subject: Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services.

Purpose: To specify that the Department of Financial Services may conduct administrative hearings by videoconference.

Text of emergency rule: Section 2.19 is added to read as follows:

§ 2.19 Hearings conducted by videoconference.

(a) At the discretion of the Department official who issued the notice of action or proposed action, a hearing held pursuant to this Part may be conducted by videoconference. When a hearing is conducted by videoconference, none of the parties nor the hearing officer need to be physically present at the same location.

(b) All provisions of this Part that are not inconsistent with the specific provisions of this section shall apply to hearings conducted by videoconference. For purposes of § 2.14(b) of this Part, the term hearing room shall mean videoconference when a hearing is conducted by videoconference.

(c) A respondent or applicant may object to conducting the hearing by videoconference by sending a written notice of the objection to the hearing officer by first class mail, overnight mail or electronic mail to an address or email address designated by the Department and posted on the Department's website. The written notice of objection must be received by the hearing officer at least five business days before the time set for the hearing.

(d) In the event that the hearing officer receives a timely written objection to conducting the hearing by videoconference in accordance with subdivision (c) of this section, the hearing officer may determine that the hearing shall not be conducted by videoconference and shall be conducted with the respondent or applicant and the hearing officer physically present at the same location, when in the judgment of the hearing officer:

(1) the respondent's or applicant's due process rights would best be served by conducting a hearing in-person; or

(2) there are circumstances presented by the respondent or applicant that make proceeding with the hearing by videoconference fundamentally unfair or impractical.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire June 15, 2022.

Text of rule and any required statements and analyses may be obtained from: Sally Geisel, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7608, email: Sally.Geisel@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Financial Services Law ("FSL") Sections 102, 201, 202, 302 and 305 and the State Administrative Procedure Act Section 301.

FSL Section 102 states the legislative goals for the Department of Financial Services ("Department") as including, among other things, "to establish a modern system of regulation, rule making and adjudication that is responsive to the needs of the banking and insurance industries and to the needs of the state's consumers and residents", and "to promote the reduction and elimination of fraud, criminal abuse and unethical conduct by, and with respect to, banking, insurance and other financial services institutions and their customers".

FSL Section 201 authorizes the Superintendent of Financial Services ("Superintendent") to take such actions as she believes is necessary to, among other things, "foster the growth of the financial industry in New York and spur state economic development through judicious regulation and vigilant supervision"; "ensure the continued solvency, safety, soundness and prudent conduct of the providers of financial products and services"; and "eliminate financial fraud, other criminal abuse and unethical conduct in the industry".

FSL Section 202 establishes the Office of the Superintendent.

FSL Section 302 empowers the Superintendent to, among other things, prescribe, amend, or withdraw rules and regulations involving financial products and services consistent with the Banking Law, Insurance Law, Financial Services Law, and any other law in which the Superintendent is given authority, including but not limited to governance of the procedures to be followed in the practice of the Department.

FSL Section 305 sets forth provisions regarding hearings held by the Department.

State Administrative Procedure Act ("SAPA") Article 3 governs adjudicatory proceedings. SAPA Section 301 directs all state agencies subject to SAPA to adopt rules governing the procedures on adjudicatory proceedings and appeals.

2. Legislative objectives: The statutory sections cited above establish the Legislature's intentions for the Superintendent to modernize adjudication proceedings; ensure the financial solvency and sound practices of the individuals and entities that are regulated by the Superintendent; and protect consumers from fraud, criminal abuse and unethical conduct through the Superintendent's supervision and regulation of the financial services, banking and insurance industries. This proposed amendment accords with the public policy objectives that the Legislature sought to

advance in the foregoing sections by specifying that the Department may hold administrative hearings by videoconference.

3. Needs and benefits: COVID-19 has spread to hundreds of millions of people worldwide, with more than 4.9 million confirmed cases and over 65,000 deaths in New York State since March 2020. Although the number of positive test results, hospitalizations, and deaths have diminished, COVID-19 remains a concern, most especially for persons with underlying health conditions that may make them more susceptible to poor medical outcomes if infected with the virus. Given the public health implications related to COVID-19, it is essential that the Department of Financial Services ("Department") promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

This amendment adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department's discretion. This is being done so that the parties and hearing officers do not have to be physically present at the same location during hearings. A hearing officer will determine, upon a timely objection filed by a party, if a hearing held by videoconference would either impinge upon the party's due process rights, or would be fundamentally unfair or impractical, according to section 2.19(d) of the regulation.

The amendment accords with the Legislature's goals for the Department to modernize adjudication proceedings and protect the public from harmful actions committed by regulated parties, while also protecting the safety of those participating in, or witnessing a hearing, by avoiding personal contact in a way that will help limit the spread of COVID-19.

4. Costs: The rule making is not expected to impose any costs on any individual who or entity that may be impacted by the rule making.

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

6. Paperwork: The rulemaking should not result in any individual who or entity that is impacted by the amendment to generate any additional paperwork.

7. Duplication: The rule making does not duplicate, overlap, or conflict with any existing New York or federal laws, rules, or other legal requirements.

8. Alternatives: There were no significant alternatives to consider.

9. Federal standards: There are no minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: The rulemaking will take effect immediately upon filing the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

1. Effect of rule: The rule making has the potential to impact small businesses as defined by State Administrative Procedures Act ("SAPA") Section 102(8), which are defined as both independently owned and operated and have 100 or less employees. Licensees and non-licensees that are small businesses may become parties to Department of Financial Services ("Department") adjudicatory proceedings for having been charged with a violation of the Banking Law, Insurance Law, Financial Services Law, or any other law that authorizes the Superintendent of Financial Services to take action. The actual number of participants in adjudicatory proceedings in a given year may reach into the hundreds, based on prior history.

The rule making does not apply to any local government.

2. Compliance requirements: The rule making does not impose any recordkeeping, reporting or other affirmative acts upon any small business that may be impacted by this rule making, or any local government because the rule making does not apply to any local government.

3. Professional services: No small business impacted by the rule making will need to retain professional services to comply with the rule making, or any local government because the rule making does not apply to any local government.

4. Compliance costs: The rule making does not impose any compliance costs on any small business or local government.

5. Economic and technological feasibility: No small business impacted by the rule making should experience any economic or technological impact as a result of the rule making, or any local government because the rule making does not apply to any local government.

6. Minimizing adverse impact: The Department believes that no small business will be adversely affected by the rule making, or any local government because the rule making does not apply to any local government.

7. Small business and local government participation: The Department will comply with SAPA Section 202-b(6) by publishing the rule making in the State Register and posting the rule making on the Department's website.

Rural Area Flexibility Analysis

The Department of Financial Services finds that this rule making, which adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the

Department's discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent's or applicant's due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation, does not impose any additional burdens on persons located in rural areas, and will not have an adverse impact on rural areas because it applies uniformly to all persons that are resident or do business in both rural and non-rural areas of New York State.

Job Impact Statement

The Department of Financial Services ("Department") finds that this rulemaking should not adversely impact job or employment opportunities in New York. This rulemaking adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department's discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent's or applicant's due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation.

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services

I.D. No. DFS-14-22-00004-P

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

Proposed Action: Addition of section 2.19 to Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 302, 305; State Administrative Procedure Act, section 301

Subject: Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services.

Purpose: To specify that administrative hearings are held by videoconference unless determination is made to hold the hearing in-person.

Text of proposed rule: Section 2.19 is added to read as follows:

§ 2.19 Hearings conducted by videoconference.

(a) A hearing shall be conducted by videoconference, unless a hearing officer determines at the hearing officer's discretion, or upon a finding of good cause based upon an application submitted in accordance with subdivision (b) of this section, to conduct a hearing where all or some of the parties, witnesses, and the hearing officer are physically present at the same location. When a hearing is conducted by videoconference, the parties, witnesses, and the hearing officer do not need to be physically present at the same location.

(b) A party may object to a hearing being conducted by videoconference by sending a written notice of the objection to the hearing officer by first class mail, overnight mail, or electronic mail to an address designated by the Department and posted on the Department's website. The written notice of objection must be received by the hearing officer within five calendar days prior to the return date set forth in the notice of action or proposed action that was served or issued by a party as provided in Financial Services Law section 304.

(c) The hearing officer may determine not to conduct a hearing or any portion thereof, or not to have a party or witness testify, by videoconference upon a finding that a timely written objection to conducting a hearing pursuant to this Part by videoconference submitted in accordance with subdivision (b) of this section establishes that:

(1) a party's due process rights would be best served by all or some of the parties and witnesses, and the hearing officer being physically present at the same location; or

(2) circumstances render a hearing, or a portion thereof, conducted pursuant to this Part by videoconference impractical.

(d) All provisions of this Part that are not inconsistent with the specific provisions of this section shall apply to hearings conducted by videoconference. For purposes of section 2.14(b) of this Part, the term hearing room shall mean videoconference when a hearing is conducted by videoconference.

Text of proposed rule and any required statements and analyses may be obtained from: Sally Geisel, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-7608, email: Sally.Geisel@dfs.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority: Financial Services Law (“FSL”) Sections 102, 201, 202, 302 and 305 and the State Administrative Procedure Act (“SAPA”) Section 301.

FSL Section 102 states the legislative goals for the Department of Financial Services (“Department”) as including, among other things, “to establish a modern system of regulation, rule making and adjudication that is responsive to the needs of the banking and insurance industries and to the needs of the state’s consumers and residents”, and “to promote the reduction and elimination of fraud, criminal abuse and unethical conduct by, and with respect to, banking, insurance and other financial services institutions and their customers”.

FSL Section 201 authorizes the Superintendent of Financial Services (“Superintendent”) to take such actions as she believes is necessary to, among other things, “foster the growth of the financial industry in New York and spur state economic development through judicious regulation and vigilant supervision”; “ensure the continued solvency, safety, soundness and prudent conduct of the providers of financial products and services”; and “eliminate financial fraud, other criminal abuse and unethical conduct in the industry”.

FSL Section 202 establishes the Office of the Superintendent.

FSL Section 302 empowers the Superintendent to, among other things, prescribe, amend, or withdraw rules and regulations involving financial products and services consistent with the Banking Law, Insurance Law, Financial Services Law, and any other law in which the Superintendent is given authority, including but not limited to governance of the procedures to be followed in the practice of the Department.

FSL Section 305 sets forth provisions regarding hearings held by the Department.

SAPA Article 3 governs adjudicatory proceedings. SAPA Section 301 directs all state agencies subject to SAPA to adopt rules governing the procedures on adjudicatory proceedings and appeals.

2. Legislative objectives: The statutory sections cited above establish the Legislature’s intentions for the Superintendent to modernize adjudication proceedings; ensure the financial solvency and sound practices of the individuals and entities that are regulated by the Superintendent; and protect consumers from fraud, criminal abuse and unethical conduct through the Superintendent’s supervision and regulation of the financial services, banking and insurance industries.

3. Needs and benefits: The proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections by specifying that the Department may hold administrative hearings by videoconference.

Since March 7, 2020, when Executive Order Number 202 was issued declaring a disaster emergency in the State of New York in response to the novel coronavirus (“COVID-19”) pandemic, COVID-19 spread to millions of people worldwide. The total reported number of COVID-19 cases in New York State is more than 4.9 million. Given the public health implications related to COVID-19, it had been essential that the Department promulgate emergency regulations that implemented protective measures, whenever it was possible, to help stop its spread.

As more people have been vaccinated, the dominant strain of COVID-19, Omicron, appears to cause less severe illnesses and death, and indications are that infection rates are waning. Thus, the need to promulgate the emergency regulations is expected to diminish accordingly. That said, the emergency regulation currently in effect has proven to provide benefits that reach beyond its initial purpose of helping to protect against the spread of COVID-19. The proposed rulemaking effectuates the modernization of adjudication proceedings intended by the Legislature by keeping pace with technological advances, optimizing agency functions and creating efficiencies for the Department and the public that it serves. This amendment would make permanent a new section 2.19 of 23 NYCRR Part 2 to allow hearing participants and witnesses to attend hearings virtually, avoiding the time and expense of traveling to a hearing location or traveling during inclement weather or other conditions inconducive to travel.

The amendment accords with the Legislature’s goals for the Department to modernize adjudication proceedings and protect the public from harmful actions committed by regulated parties. This rule making will also continue to protect the safety of those participating in or witnessing a hearing by avoiding personal contact in a way that will help limit the spread of COVID-19 or any future pandemic disease.

4. Costs: The rule making is not expected to impose any costs on any individual who or entity that may be impacted by the rule making. An individual who or entity that does not have a computer, or does not have

video-conferencing capability, is not required by the regulation to purchase equipment to attend a hearing. The individual or entity may object to the hearing being conducted by videoconference as described in the rule making.

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

6. Paperwork: The rulemaking should not result in any individual who or entity that is impacted by the amendment to generate any additional paperwork.

7. Duplication: The rule making does not duplicate, overlap, or conflict with any existing New York or federal laws, rules, or other legal requirements.

8. Alternatives: The alternative was to not utilize videoconference hearings. However, by not amending the regulation, the Department would not advance the legislative intentions of modernizing adjudication proceedings and would not provide protection to hearing participants by avoiding personal contact in a way that would help limit the spread of COVID-19 or any future pandemic disease.

9. Federal standards: There are no minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: The rulemaking will take effect upon publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

1. Effect of rule: The rule making has the potential to impact small businesses as defined by State Administrative Procedures Act (“SAPA”) Section 102(8), which are defined as both independently owned and operated and have 100 or less employees. Licensees and non-licensees that are small businesses may become parties to Department of Financial Services (“Department”) adjudicatory proceedings for having been charged with a violation of the Banking Law, Insurance Law, Financial Services Law, or any other law that authorizes the Superintendent of Financial Services to take action. The actual number of participants in adjudicatory proceedings in a given year may reach into the hundreds, based on prior history.

The rule making does not apply to any local government.

2. Compliance requirements: The rule making does not impose any recordkeeping, reporting or other affirmative acts upon any small business that may be impacted by this rule making, nor upon any local government because the rule making does not apply to any local government.

3. Professional services: No small business impacted by the rule making will need to retain professional services to comply with the rule making, nor will any local government because the rule making does not apply to any local government.

4. Compliance costs: The rule making does not impose any compliance costs on any small business or local government. An individual who or entity that does not have a computer, or does not have video-conferencing capability, is not required by the regulation to purchase equipment to attend a hearing. The individual or entity may object to the hearing being conducted by videoconference as described in the rule making.

5. Economic and technological feasibility: No small business impacted by the rule making should experience any economic or technological impact as a result of the rule making, nor should any local government because the rule making does not apply to any local government.

6. Minimizing adverse impact: The Department believes that no small business will be adversely affected by the rule making, nor will any local government because the rule making does not apply to any local government.

7. Small business and local government participation: The Department complied with SAPA § 202-b(6) by posting the draft regulation on its website for informal outreach on March 7, 2022 and notifying trade organizations that represent small businesses of the posting, in compliance with State Administrative Procedures Act Section 202-b(6). In addition, interested parties, including small businesses, will also be given an opportunity to review and comment on the regulation once it is published in the State Register and posted on the Department’s website.

Rural Area Flexibility Analysis

The Department previously adopted an emergency measure adding section 2.19 to 23 NYCRR 2, specifying that the Department may conduct administrative hearings by videoconference. When a hearing is conducted by videoconference, the parties, witnesses, and the hearing officer do not need to be physically present at the same location.

This proposed rulemaking would add, on a permanent basis, a new section 2.19 to 23 NYCRR Part 2 specifying that the Department will hold administrative hearings by videoconference unless a hearing officer makes a determination to conduct a hearing, or upon a finding of good cause shown by a party that a hearing should be conducted, where the parties, witnesses, and the hearing officer are physically present at the same location.

The Department finds that this rule making does not impose any ad-

ditional burdens on persons located in rural areas and will not have an adverse impact on rural areas because it applies uniformly to all persons that are resident or do business in both rural and non-rural areas of New York State. In fact, this rule making may benefit hearing participants and witnesses who are located in rural areas by allowing them to attend hearings virtually, avoiding the time and expense of traveling to a distant hearing location or traveling during inclement weather or other conditions non-conducive to travel.

Job Impact Statement

The Department of Financial Services (“Department”) finds that this rulemaking should not adversely impact job or employment opportunities in New York. The Department previously adopted an emergency measure adding section 2.19 to 23 NYCRR 2, specifying that the Department may conduct administrative hearings by videoconference. When a hearing is conducted by videoconference, the parties, witnesses, and the hearing officer do not need to be physically present at the same location.

This proposed rulemaking would add, on a permanent basis, a new section 2.19 to 23 NYCRR Part 2 specifying that the Department will hold administrative hearings by videoconference unless a hearing officer makes a determination to conduct a hearing, or upon a finding of good cause shown by a party that a hearing should be conducted, where the parties, witnesses, and the hearing officer are physically present at the same location.

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

Department of Health

EMERGENCY RULE MAKING

Prevention of COVID-19 Transmission by Covered Entities

I.D. No. HLT-14-22-00011-E

Filing No. 220

Filing Date: 2022-03-22

Effective Date: 2022-03-22

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

Action taken: Addition of section 2.61; amendment of sections 405.3, 415.19, 751.6, 763.13, 766.11, 794.3 and 1001.11 of Title 10 NYCRR; amendment of sections 487.9, 488.9 and 490.9 of Title 18 NYCRR.

Statutory authority: Public Health Law, sections 225, 2800, 2803, 3612, 4010; Social Services Law, sections 461 and 461-e

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

Specific reasons underlying the finding of necessity: Recent New York State data show that unvaccinated individuals continue to be more likely to be diagnosed with COVID-19 compared to vaccinated individuals. In fact, those who are unvaccinated have over 10 times the risk of being hospitalized with COVID-19 compared with vaccinated individuals. The COVID-19 vaccines are safe and effective. They offer the benefit of helping to reduce the number of COVID-19 infections, including the Delta and Omicron variants, which is a critical component to protecting public health. Certain settings, such as healthcare facilities and congregate care settings, pose increased challenges and urgency for controlling the spread of this disease because of the vulnerable patient and resident populations that they serve. Personnel in such settings who have not received the COVID-19 vaccine have an unacceptably high risk of both acquiring COVID-19 and transmitting the virus to colleagues and/or vulnerable patients or residents, exacerbating staffing shortages, and causing an unacceptably high risk of complications.

In response to this significant public health threat, through this emergency regulation, the Department is requiring covered entities to ensure their personnel are fully vaccinated against COVID-19 as recommended by the CDC’s Advisory Committee on Immunization Practices (ACIP), and to document evidence thereof in appropriate records. Covered entities are also required to review and make determinations on medical exemption requests and provide reasonable accommodations therefor to protect the wellbeing of the patients, residents, and personnel in such facilities. Documentation and information regarding personnel vaccinations as well as exemption requests granted are required to be provided to the Department immediately upon request.

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

Subject: Prevention of COVID-19 Transmission by Covered Entities.

Purpose: To require covered entities to ensure their personnel are fully vaccinated against COVID-19 subject to certain exemptions.

Text of emergency rule: Part 2 is amended to add a new section 2.61, as follows:

2.61. *Prevention of COVID-19 transmission by covered entities.*

(a) *Definitions.*

(1) “Covered entities” for the purposes of this section, shall include:

(i) any facility or institution included in the definition of “hospital” in section 2801 of the Public Health Law, including but not limited to general hospitals, nursing homes, and diagnostic and treatment centers;

(ii) any agency established pursuant to Article 36 of the Public Health Law, including but not limited to certified home health agencies, long term home health care programs, acquired immune deficiency syndrome (AIDS) home care programs, licensed home care service agencies, and limited licensed home care service agencies;

(iii) hospices as defined in section 4002 of the Public Health Law; and

(iv) adult care facility under the Department’s regulatory authority, as set forth in Article 7 of the Social Services Law.

(2) “Personnel,” for the purposes of this section, shall mean all persons employed or affiliated with a covered entity, whether paid or unpaid, including but not limited to employees, members of the medical and nursing staff, contract staff, students, and volunteers, who engage in activities such that if they were infected with COVID-19, they could potentially expose other covered personnel, patients or residents to the disease.

(3) “Fully vaccinated,” for the purposes of this section, shall be determined by the Department in accordance with applicable federal guidelines and recommendations. Unless otherwise specified by the Department, documentation of vaccination must include the manufacturer, lot number(s), date(s) of vaccination; and vaccinator or vaccine clinic site, in one of the following formats:

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

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

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

(c) Covered entities shall continuously require personnel to be fully vaccinated against COVID-19, absent receipt of an exemption as allowed below. Covered entities shall require all personnel to receive at least their first dose before engaging in activities covered under paragraph (2) of subdivision (a) of this section and that such personnel receive their subsequent dose(s) according to the CDC or CDC’s Advisory Committee on Immunization Practices (ACIP) recommended timeframe. Documentation of such vaccination shall be made in personnel records or other appropriate records in accordance with applicable privacy laws, except as set forth in subdivision (d) of this section.

(d) Exemptions. Personnel shall be exempt from the COVID-19 vaccination requirements set forth in subdivision (c) of this section as follows:

(1) *Medical exemption.* If any licensed physician, physician assistant, or certified nurse practitioner certifies that immunization with COVID-19 vaccine is detrimental to the health of member of a covered entity’s personnel, based upon a pre-existing health condition, the requirements of this section relating to COVID-19 immunization shall be inapplicable only until such immunization is found no longer to be detrimental to such personnel member’s health. The nature and duration of the medical exemption must be stated in the personnel employment medical record, or other appropriate record, and must be in accordance with generally accepted medical standards, (see, for example, the recommendations of the Advisory Committee on Immunization Practices of the U.S. Department of Health and Human Services), and any reasonable accommodation may be granted and must likewise be documented in such record. Covered entities shall document medical exemptions in personnel records or other appropriate records in accordance with applicable privacy laws by: (i)

September 27, 2021 for general hospitals and nursing homes; and (ii) October 7, 2021 for all other covered entities. For all covered entities, documentation must occur continuously, as needed, following the initial dates for compliance specified herein, including documentation of any reasonable accommodation therefor.

(e) Upon the request of the Department, covered entities must report and submit documentation, in a manner and format determined by the Department, for the following:

(1) the number and percentage of personnel that have been vaccinated against COVID-19;

(2) the number and percentage of personnel for which medical exemptions have been granted;

(3) the total number of covered personnel.

(f) Covered entities shall develop and implement a policy and procedure to ensure compliance with the provisions of this section and submit such documents to the Department upon request.

(g) The Department may require all personnel, whether vaccinated or unvaccinated, to wear an appropriate face covering for the setting in which such personnel are working in a covered entity. Covered entities shall supply face coverings required by this section at no cost to personnel.

Subparagraph (vi) of paragraph (10) of subdivision (b) of Section 405.3 of Part 405 is added to read as follows:

(vi) documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of this Title, in accordance with applicable privacy laws, and making such documentation immediately available upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (5) of subdivision (a) of Section 415.19 of Part 415 is added to read as follows:

(5) collects documentation of COVID-19 or documentation of a valid medical exemption to such vaccination, for all personnel pursuant to section 2.61 of this title, in accordance with applicable privacy laws, and making such documentation immediately available upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (7) of subdivision (d) of Section 751.6 is added to read as follows:

(7) documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of this Title, in accordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (6) of subdivision (c) of Section 763.13 is added to read as follows:

(6) documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of this Title, in accordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (7) of subdivision (d) of Section 766.11 is added to read as follows:

(7) documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of this Title, in accordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (8) of subdivision (d) of Section 794.3 is added to read as follows:

(8) documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of this Title, in accordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (5) of subdivision (q) of Section 1001.11 is added to read as follows:

(5) documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of this Title, in accordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (18) of subdivision (a) of Section 487.9 of Title 18 is added to read as follows:

(18) documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of Title 10, in accordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (14) of subdivision (a) of Section 488.9 of Title 18 is added to read as follows:

(14) documentation of COVID-19 vaccination or a valid medical

exemption to such vaccination, pursuant to section 2.61 of Title 10, in accordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

Paragraph (15) of subdivision (a) of Section 490.9 of Title 18 is added to read as follows:

(15) Operator shall collect documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of Title 10, in accordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 19, 2022.

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

Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations is contained in Public Health Law (PHL) Sections 225(5), 2800, 2803(2), 3612 and 4010 (4). PHL 225(5) authorizes the Public Health and Health Planning Council (PHHPC) to issue regulations in the State Sanitary Code pertaining to any matters affecting the security of life or health or the preservation and improvement of public health in the state of New York, including designation and control of communicable diseases and ensuring infection control at healthcare facilities and any other premises.

PHL Article 28 (Hospitals), Section 2800 specifies that "hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institutions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article."

PHL Section 2803(2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of health care facilities. PHL Section 3612 authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, with respect to certified home health agencies, long term home health care programs, acquired immune deficiency syndrome (AIDS) home care programs, licensed home care service agencies, and limited licensed home care service agencies. PHL Section 4010 (4) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, with respect to hospice organizations.

Social Service Law (SSL) Section 461 requires the Department to promulgate regulations establishing general standards applicable to Adult Care Facilities (ACF). SSL Section 461-e authorizes the Department to promulgate regulations to require adult care facilities to maintain certain records with respect to the facilities residents and the operation of the facility.

Legislative Objectives:

The legislative objective of PHL Section 225 empowers PHHPC to address any issue affecting the security of life or health or the preservation and improvement of public health in the state of New York, including designation and control of communicable diseases and ensuring infection control at healthcare facilities and any other premises. PHL Article 28 specifically addresses the protection of the health of the residents of the State by assuring the efficient provision and proper utilization of health services of the highest quality at a reasonable cost. PHL Article 36 addresses the services rendered by certified home health agencies, long term home health care programs, acquired immune deficiency syndrome (AIDS) home care programs, licensed home care service agencies, and limited licensed home care service agencies. PHL Article 40 declares that hospice is a socially and financially beneficial alternative to conventional curative care for the terminally ill. Lastly, the legislative objective of SSL Section 461 is to promote the health and well-being of residents of ACFs.

Needs and Benefits:

The vaccine mandate for health care workers at covered entities, which required general hospital and nursing home personnel to receive their first dose of COVID-19 vaccine by September 27, 2021, and required all other covered personnel to receive their first dose of COVID-19 vaccine by

October 7, 2021, has greatly increased the percentage of health care workers who are vaccinated against COVID-19. The vaccine mandate has decreased and will continue to decrease COVID cases, hospitalizations, and deaths.

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

In response to this significant public health threat, through this emergency regulation, the Department is requiring covered entities to ensure their personnel are fully vaccinated against COVID-19, and to document evidence thereof in appropriate records. Covered entities are also required to review and make determinations on medical exemption requests, and provide reasonable accommodations therefor to protect the wellbeing of the patients, residents and personnel in such facilities. Documentation and information regarding personnel vaccinations as well as exemption requests granted are required to be provided to the Department immediately upon request.

Costs:

Costs for the Implementation of and Continuing Compliance with these Regulations to the Regulated Entity:

Covered entities must ensure that personnel are fully vaccinated against COVID-19 and document such vaccination in personnel or other appropriate records. Covered entities must also review and make determinations on requests for medical exemptions, which must also be documented in personnel or other appropriate records, as well as any reasonable accommodations. This is a modest investment to protect the health and safety of patients, residents, and personnel, especially when compared to both the direct medical costs and indirect costs of personnel absences.

Cost to State and Local Government:

The State operates several healthcare facilities subject to this regulation. Most county health departments are licensed under Article 28 or Article 36 of the PHL and are therefore also subject to regulation. Similarly, certain counties and the City of New York operate facilities licensed under Article 28. These State and local public facilities would be required to ensure that personnel are fully vaccinated against COVID-19 and document such vaccination in personnel or other appropriate records. They must also review and make determinations on requests for medical exemptions, which must also be documented in personnel or other appropriate records, along with any reasonable accommodations.

Although the costs to the State or local governments cannot be determined with precision, the Department does not expect these costs to be significant. State facilities should already be ensuring COVID-19 vaccination among their personnel, subject to State directives. Further, these entities are expected to realize savings as a result of the reduction in COVID-19 in personnel and the attendant loss of productivity and available staff.

Cost to the Department of Health:

There are no additional costs to the State or local government, except as noted above. Existing staff will be utilized to conduct surveillance of regulated parties and to monitor compliance with these provisions.

Local Government Mandates:

Covered entities operated by local governments will be subject to the same requirements as any other covered entity subject to this regulation.

Paperwork:

This measure will require covered entities to ensure that personnel are fully vaccinated against COVID-19 and document such vaccination in personnel or other appropriate records. Covered entities must also review and make determinations on requests for medical exemptions, which must also be documented in personnel or other appropriate records along with any reasonable accommodations.

Upon the request of the Department, covered entities must report the number and percentage of total covered personnel, as well as the number and percentage that have been vaccinated against COVID-19 and those who have been granted a medical exemption, along with any reasonable accommodations. Facilities and agencies must develop and implement a policy and procedure to ensure compliance with the provisions of this section, making such documents available to the Department upon request.

Duplication:

This regulation will not conflict with any State or Federal rules.

Alternatives:

One alternative would be to require covered entities to test all personnel in their facility before each shift worked. This approach is limited in its effect because testing only provides a person's status at the time of the test

and testing every person in a healthcare facility every day is impractical and would place an unreasonable resource and financial burden on covered entities if PCR tests couldn't be rapidly turned around before the commencement of the shift. Antigen tests have not proven as reliable for asymptomatic diagnosis to date.

Another alternative to requiring covered entities to mandate vaccination would be to require covered entities to mandate all personnel to wear a fit-tested N95 face covering at all times when in the facility, in order to prevent transmission of the virus. However, acceptable face coverings, which are not fit-tested N95 face coverings have been a long-standing requirement in these covered entities, and, while helpful to reduce transmission it does not prevent transmission and; therefore, masking in addition to vaccination will help reduce the numbers of infections in these settings even further.

Federal Requirements:

There are no minimum standards established by the Federal government for the same or similar subject areas.

Compliance Schedule:

These emergency regulations will become effective upon filing with the Department of State and will expire, unless renewed, 90 days from the date of filing. As the COVID-19 pandemic is consistently and rapidly changing, it is not possible to determine the expected duration of need at this point in time. The Department will continuously evaluate the expected duration of these emergency regulations throughout the aforementioned 90-day effective period in making determinations on the need for continuing this regulation on an emergency basis or issuing a notice of proposed rule making for permanent adoption. This notice does not constitute a notice of proposed or revised rule making for permanent adoption.

Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses unless they operate a covered entity as defined in the emergency regulation. Currently, 5 general hospitals, 79 nursing homes, 75 certified home health agencies (CHHAs), 20 hospices and 1,055 licensed home care service agencies (LHCSAs), and 483 adult care facilities (ACFs) are small businesses (defined as 100 employees or less), independently owned and operated affected by this rule. Local governments operate 19 hospitals, 137 diagnostic and treatment facilities, 21 nursing homes, 12 CHHAs, at least 48 LHCSAs, 1 hospice, and 2 ACFs.

Compliance Requirements:

Covered entities are required to ensure their personnel are fully vaccinated against COVID-19, and to document evidence thereof in appropriate records. Covered entities are also required to review and make determinations on medical exemption requests, along with any reasonable accommodations.

Upon the request of the Department, covered entities must report the number and percentage of total covered personnel, as well as the number and percentage that have been vaccinated against COVID-19 and those who have been granted a medical exemption, along with any reasonable accommodations. Facilities and agencies must develop and implement a policy and procedure to ensure compliance with the provisions of this section, making such documents available to the Department upon request.

Professional Services:

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

Compliance Costs:

Covered entities must ensure that personnel are fully vaccinated against COVID-19 and document such vaccination in personnel or other appropriate records. Covered entities must also review and make determinations on requests for medical exemptions, which must also be documented in personnel or other appropriate records, along with any reasonable accommodations. This is a modest investment to protect the health and safety of patients, residents, and personnel, especially when compared to both the direct medical costs and indirect costs of personnel absenteeism.

Economic and Technological Feasibility:

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

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 Department since March of 2020. Further, the Department currently has an emergency regulation in place, which requires nursing homes and adult care facilities to offer COVID-19 vaccination to personnel and residents, which has helped to facilitated vaccination of personnel. Further, it is the Department's understanding that many facilities across the State have begun to impose mandatory vaccination policies. Lastly, on August 18, 2021, President Biden announced that as a condition of participating in the Medicare and Medicaid programs, the United States Department of Health and Human Services will be developing regulations requiring nursing homes to mandate COVID-19 vaccination for workers.

Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small businesses and local governments were not consulted. If these regulations are proposed for permanent adoption, all parties will have an opportunity to provide comments during the notice and comment period.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

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

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

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

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

Covered entities are required to ensure their personnel are fully vaccinated against COVID-19, and to document evidence thereof in appropriate records. Covered entities are also required to review and make determinations on medical exemption requests, along with any reasonable accommodations.

Upon the request of the Department, covered entities must report the number and percentage of total covered personnel, as well as the number and percentage that have been vaccinated against COVID-19 and those who have been granted a medical exemption, along with any reasonable accommodations. Facilities and agencies must develop and implement a policy and procedure to ensure compliance with the provisions of this section, making such documents available to the Department upon request.

Compliance Costs:

Covered entities must ensure that personnel are fully vaccinated against COVID-19 and document such vaccination in personnel or other appropriate records. Covered entities must also review and make determinations on requests for medical exemptions, which must also be documented in personnel or other appropriate records, along with any reasonable accommodations. This is a modest investment to protect the health and safety of patients, residents, and personnel, especially when compared to both the direct medical costs and indirect costs of personnel absenteeism.

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 Depart-

ment since March of 2020. Further, the Department currently has an emergency regulation in place, which requires nursing homes and adult care facilities to offer COVID-19 vaccination to personnel and residents, which has helped to facilitated vaccination of personnel. Further, it is the Department's understanding that many facilities across the State have begun to impose mandatory vaccination policies. Lastly, on August 18, 2021, President Biden announced that as a condition of participating in the Medicare and Medicaid programs, the United States Department of Health and Human Services will be developing regulations requiring nursing homes to mandate COVID-19 vaccination for workers.

Rural Area Participation:

Due to the emergent nature of COVID-19, parties representing rural areas were not consulted. If these regulations are proposed for permanent adoption, all parties will have an opportunity to provide comments during the notice and comment period.

Job Impact Statement

Nature of impact:

Covered entities may terminate personnel who are not fully vaccinated and do not have a valid medical exemption and are unable to otherwise ensure individuals are not engaged in patient/resident care or expose other covered personnel.

Categories and numbers affected:

This rule may impact any individual who falls within the definition of "personnel" who is not fully vaccinated against COVID-19 and does not have a valid medical exemption on file with the covered entity for which they work or are affiliated.

Regions of adverse impact:

The rule would apply uniformly throughout the State and the Department 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 Department since March of 2020. Further, the Department currently has an emergency regulation in place, which requires nursing homes and adult care facilities to offer COVID-19 vaccination to personnel and residents, which has helped to facilitated vaccination of personnel. Further, it is the Department's understanding that many facilities across the State have begun to impose mandatory vaccination policies. Lastly, on August 18, 2021, President Biden announced that as a condition of participating in the Medicare and Medicaid programs, the United States Department of Health and Human Services will be developing regulations requiring nursing homes to mandate COVID-19 vaccination for workers.

**EMERGENCY
RULE MAKING**

Telehealth Services

I.D. No. HLT-14-22-00012-E

Filing No. 221

Filing Date: 2022-03-22

Effective Date: 2022-03-22

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

Action taken: Addition of Part 538 to Title 18 NYCRR.

Statutory authority: Public Health Law, sections 2999-cc(2)(y), (4) and 2999-ee

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

Specific reasons underlying the finding of necessity: These regulations must be promulgated on an emergency basis to continue certain telehealth flexibilities that were authorized during the State public health emergency and to avoid a disruption in certain health care services provided to Medicaid enrollees once the public health emergency ends. During the public health emergency, pursuant to Executive Orders which waived certain New York State laws and regulatory requirements related to telehealth, all eligible Medicaid providers were authorized to utilize telehealth, including audio-only telephone or other audio-only technology. This regulation is required to authorize Medicaid providers to continue to provide services pursuant to the same flexibilities afforded during the public health emergency until permanent regulations are able to be promulgated.

Subject: Telehealth Services.

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

Text of emergency rule: Pursuant to the authority vested in the Commissioner of Health by sections 2999-cc(2)(y) and (4) and 2999-ee of the Public Health Law, Article 4 of Subchapter E of Chapter II of Title 18 (Social Services) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective on filing with the Secretary of State, by adding Part 538 to read as follows:

PART 538 State Reimbursement for Telehealth Services

Section 538.1 Authorized providers. For purposes of medical assistance reimbursement, all Medicaid providers authorized to provide in-person services are authorized to provide such services via telehealth, as long as such telehealth services are appropriate to meet a patient's health care needs and are within a provider's scope of practice.

Section 538.2 Acceptable telehealth modalities. In addition to the telehealth modalities set forth in section 2999-cc of the public health law, reimbursement shall be made for telehealth services provided by use of telephone and other audio-only technologies.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 19, 2022.

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

Regulatory Impact Statement

Statutory Authority:

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.

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 transition from telehealth services provided during the public health emergency and after the public health emergency ends. 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. Since these Executive Orders expired on June 24, 2021, this regulation is required to authorize Medicaid providers to continuously provide services pursuant to these flexibilities to ensure continuity of care.

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.

As many of these flexibilities are intended to be made permanent after the public health emergency through enactment of regulations by the Department, and given that 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 emergency regulations in order to ensure ongoing and continuous access to telehealth services for Medicaid members. 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, because they are ineligible for the vaccine, including chil-

dren under age 12 and individuals for whom the vaccine is currently medically contraindicated.

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 emergency 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 during the transition is a public health priority and as such, decided to move forward with these emergency regulations.

Federal Standards:

There are no minimum Federal standards regarding this subject.

Compliance Schedule:

These amendments shall be effective on filing with the Secretary of State.

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, recordkeeping 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, recordkeeping 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.

NOTICE OF ADOPTION

Hospice Residence Rates

I.D. No. HLT-22-21-00004-A

Filing No. 222

Filing Date: 2022-03-22

Effective Date: 2022-04-06

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

Action taken: Amendment of section 86-6.2 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 4012(5)

Subject: Hospice Residence Rates.

Purpose: To authorize Medicaid rate of payment to increase the Hospice Residence reimbursement rates by 10 percent.

Text or summary was published in the June 2, 2021 issue of the Register, I.D. No. HLT-22-21-00004-P.

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

Text of rule and any required statements and analyses may be obtained from: 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.

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. 212

Filing Date: 2022-03-21

Effective Date: 2022-03-21

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 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 April 5, 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@nyct.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 Analysis for Small Business and Local Governments, a Rural Area 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.

State Electric & Gas Corporation (NYSEG) and Rochester Gas & Electric Corporation (RG&E) to file revisions to the Standby Service and Buyback Service tariff provisions.

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

Subject: Standby Service and Buyback Service tariff filings.

Purpose: To direct NYSEG and RG&E to file revisions to the Standby Service and Buyback Service tariffs.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing New York State Electric & Gas Corporation (NYSEG) and Rochester Gas & Electric Corporation (RG&E) to file revisions to the draft Standby Service tariffs and Buyback Service tariff provisions. The draft tariffs are to include rates that are designed using the Allocated Cost of Service methodology adopted by the Commission in the companion order being issued contemporaneously in this proceeding, as well as updated inputs as described in the body of the order. The draft tariffs are to be filed within 120 days of the issuance date of the order. Specifically, NYSEG and RG&E are directed to implement 60-minute integrated demand measurements for mass market customers that would otherwise be served under a non-demand billed service classification in their draft tariff filings. NYSEG and RG&E are directed to specify what intervals will be considered when establishing integrated demand for Standby Service customers, establish the initial Contract Demand for mass market customers consistent to the way demand will be billed for these customers, modify the establishment of Contract Demand for dual-service customers to be consistent with the methodology utilized by Consolidated Edison Company of New York, Inc., and purchase unforced capacity under Buyback Service using the Value of Distributed Energy Resources Value Stack Capacity Component Alternatives and shall not require Distributed Energy Resources selling such capacity under Buyback Service to become Market Participants within the New York Independent System Operator, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0751SA29)

NOTICE OF ADOPTION

Standby Service and Buyback Service Tariff Filings

I.D. No. PSC-44-19-00005-A

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to file revisions to the Standby Service and Buyback Service tariff provisions.

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

Subject: Standby Service and Buyback Service tariff filings.

Purpose: To direct Con Edison to file revisions to the Standby Service and Buyback Service tariffs.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to file revisions to the draft Standby Service tariffs and Buyback Service tariff provisions. The draft tariffs are to include rates that are designed using the Allocated Cost of Service methodology adopted by the Commission in the companion order being issued contemporaneously in this proceeding, as well as updated inputs as described in the body of the order. The draft tariffs are to be filed within 120 days of the issuance date of the order. Specifically, Con Edison is to include Super-peak Daily As-Used Demand Charges for residential Standby Service customers in their revised draft tariff filings. Con Edison is also directed to implement 60-minute integrated demand measurements for mass market customers that would otherwise be served under a non-demand billed service classification, specify what intervals will be considered when establishing integrated

Public Service Commission

NOTICE OF ADOPTION

Standby Service and Buyback Service Tariff Filings

I.D. No. PSC-44-19-00003-A

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing New York

demand for Standby Service customers, establish a 5 megawatt unforced capacity purchase limit that is applicable to the amount of unforced capacity to be purchased, as opposed to the capacity or nameplate rating of the generation unit from which Unforced Capacity is being purchased, and purchase unforced capacity under Buyback Service using the Value of Distributed Energy Resources Value Stack Capacity Component Alternatives and shall not require Distributed Energy Resources selling such capacity under Buyback Service to become Market Participants within the New York Independent System Operator, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0751SA25)

NOTICE OF ADOPTION

Standby Service and Buyback Service Tariff Filings

I.D. No. PSC-44-19-00006-A

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Orange and Rockland Utilities, Inc. (O&R) to file revisions to the Standby Service and Buyback Service tariff provisions.

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

Subject: Standby Service and Buyback Service tariff filings.

Purpose: To direct O&R to file revisions to the Standby Service and Buyback Service tariffs.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Orange and Rockland Utilities, Inc. (O&R) to file revisions to the draft Standby Service tariffs and Buyback Service tariff provisions. The draft tariffs are to include rates that are designed using the Allocated Cost of Service methodology adopted by the Commission in the companion order being issued contemporaneously in this proceeding, as well as updated inputs as described in the body of the order. The draft tariffs are to be filed within 120 days of the issuance date of the order. Specifically, O&R is to include Super-peak Daily As-Used Demand Charges for residential Standby Service customers in their revised draft tariff filings. O&R is directed to implement 60-minute integrated demand measurements for mass market customers that would otherwise be served under a non-demand billed service classification, specify what intervals will be considered when establishing integrated demand for Standby Service customers, modify the establishment of Contract Demand for dual-service customers to be consistent with the methodology utilized by Consolidated Edison Company of New York, Inc., establish a 5 megawatt unforced capacity purchase limit that is applicable to the amount of unforced capacity to be purchased, as opposed to the capacity or nameplate rating of the generation unit from which Unforced Capacity is being purchased, and purchase unforced capacity under Buyback Service using the Value of Distributed Energy Resources Value Stack Capacity Component Alternatives and shall not require Distributed Energy Resources selling such capacity under Buyback Service to become Market Participants within the New York Independent System Operator, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0751SA27)

NOTICE OF ADOPTION

Standby Service and Buyback Service Tariff Filings

I.D. No. PSC-44-19-00007-A

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Central Hudson Gas & Electric Corporation (Central Hudson) to file revisions to the Standby Service and Buyback Service tariff provisions.

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

Subject: Standby Service and Buyback Service tariff filings.

Purpose: To direct Central Hudson to file revisions to the Standby Service and Buyback Service tariffs.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Central Hudson Gas & Electric Corporation (Central Hudson) to file revisions to the draft Standby Service tariffs and Buyback Service tariff provisions. The draft tariffs are to include rates that are designed using the Allocated Cost of Service methodology adopted by the Commission in the companion order being issued contemporaneously in this proceeding, as well as updated inputs as described in the body of the order. The draft tariffs are to be filed within 120 days of the issuance date of the order. Specifically, Central Hudson is to include Super-peak Daily As-Used Demand Charges for residential Standby Service customers in their revised draft tariff filings. Central Hudson is directed to implement 60-minute integrated demand measurements for mass market customers that would otherwise be served under a non-demand billed service classification, specify what intervals will be considered when establishing integrated demand for Standby Service customers, modify the establishment of Contract Demand for dual-service customers to be consistent with the methodology utilized by Consolidated Edison Company of New York, Inc., and purchase unforced capacity under Buyback Service using the Value of Distributed Energy Resources Value Stack Capacity Component Alternatives and shall not require Distributed Energy Resources selling such capacity under Buyback Service to become Market Participants within the New York Independent System Operator, Inc. Central Hudson is also directed to file revisions to its Buyback Service tariff on not less than five days' notice, to become effective on April 1, 2022, that reinstates the tariff provisions specifying that the maximum Unforced Capacity purchased under Buyback Service will be 5 megawatts, and that facilities with contracts established prior to July 1, 2019, are exempt from the 5 megawatt purchase limit, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0751SA26)

NOTICE OF ADOPTION

Standby Service and Buyback Service Tariff Filings

I.D. No. PSC-44-19-00009-A

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to file revisions to the Standby Service and Buyback Service tariff provisions.

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

Subject: Standby Service and Buyback Service tariff filings.

Purpose: To direct National Grid to file revisions to the Standby Service and Buyback Service tariffs.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to file revisions to the draft Standby Service tariffs and Buyback Service tariff provisions. The draft tariffs are to include rates that are designed using the Allocated Cost of Service methodology adopted by the Commission in the companion order being issued contemporaneously in this proceeding, as well as updated inputs as described in the body of the order. The draft tariffs are to be filed within 120 days of the issuance date of the order. Specifically, National Grid is directed to implement 60-minute integrated demand measurements for mass market customers that would otherwise be served under a non-demand billed service classification in their draft tariff filings. National Grid is directed to specify what intervals will be considered when establishing integrated demand for Standby Service customers, establish the initial Contract Demand for mass market customers consistent to the way demand will be billed for these customers, modify the establishment of Contract Demand for dual-service customers to be consistent with the methodology utilized by Consolidated Edison Company of New York, Inc., and purchase unforced capacity under Buyback Service using the Value of Distributed Energy Resources Value Stack Capacity Component Alternatives and shall not require Distributed Energy Resources selling such capacity under Buyback Service to become Market Participants within the New York Independent System Operator, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0751SA28)

NOTICE OF ADOPTION

Allocated Cost of Service Methodology

I.D. No. PSC-51-20-00007-A

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order establishing an Allocated Cost of Service methodology for Standby and Buyback Service rates and energy storage contract demand charge exemptions.

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

Subject: Allocated Cost of Service methodology.

Purpose: To establish an Allocated Cost of Service methodology.

Substance of final rule: The Commission, on March 16, 2022, adopted an order establishing an Allocated Cost of Service (ACOS) methodology for Standby and Buyback Service rates and energy storage contract demand charge exemptions. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation shall file ACOS studies using the Decision Tree methodology, as discussed in the body of the order, 120 days after the effective date of the order. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation shall file draft tariff leaves to effectuate the directives discussed in the body of the order, within 120 days after the effective date of the order. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation shall file bill impacts for existing Standby Service customers within 120 days after the effective date of the order. Central Hudson Gas

& Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation shall file annual reports detailing stand-alone energy storage system participation in the exemption from Buyback Service Contract Demand charges, as discussed in the body of the order, in Cases 14-E-0488, 19-E-0079, and 18-E-0130 beginning on July 31, 2022 and annually on July 31 of each year thereafter. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation shall file a report with the Secretary to the Commission whenever annual cost-shifts resulting from Buyback Exemption participants are forecast to exceed one percent of the applicable service classification's annual revenue requirement. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas & Electric Corporation shall consult with Department of Public Service Staff and affected stakeholders to develop mass market customer bill impact analyses showing the impacts of adopting different types of distributed energy resources on customer bills under the standard rates versus the Standby rates. Department of Public Service Staff is directed to convene a midpoint review process beginning in the fourth quarter of 2024 to determine if there is a need to extend eligibility for the Buyback Service Contract Demand charge exemption for stand-alone energy storage systems beyond December 31, 2025, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0751SA34)

NOTICE OF ADOPTION

Amendments to 16 NYCRR Part 255 - Transmission and Distribution of Gas

I.D. No. PSC-14-21-00003-A

Filing No. 219

Filing Date: 2022-03-18

Effective Date: 2022-03-18

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

Action taken: On 3/16/22, the PSC adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Part 255 - Transmission and Distribution of Gas.

Statutory authority: Public Service Law, sections 4, 5, 65 and 66

Subject: Amendments to 16 NYCRR Part 255 - Transmission and Distribution of Gas.

Purpose: To adopt the memorandum and resolution approving amendments to 16 NYCRR Part 255.

Substance of final rule: The Commission, on March 16, 2022, adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Part 255 - Transmission and Distribution of Gas, to improve operator qualification programs, as well as to make technical clarifications, subject to the terms and conditions set forth in the order.

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

Revised rule making(s) were previously published in the State Register on November 3, 2021.

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(19-G-0736SA2)

NOTICE OF ADOPTION**Increase in Annual Revenues, Establishment of Escrow Account and Switch to an Electronic Tariff****I.D. No.** PSC-43-21-00007-A**Filing Date:** 2022-03-17**Effective Date:** 2022-03-17

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

Action taken: On 3/16/22, the PSC adopted an order authorizing Hannawa Building Corporation (Hannawa) to increase its annual revenues, establish an escrow account, and convert to an electronic tariff, to become effective on April 1, 2022.

Statutory authority: Public Service Law, sections 4(1), 5(1)f, 89-c(1), (3), (10)(a), (b) and (f)

Subject: Increase in annual revenues, establishment of escrow account and switch to an electronic tariff.

Purpose: To authorize Hannawa to increase its annual revenues, establish an escrow account, and switch to an electronic tariff.

Substance of final rule: The Commission, on March 16, 2022, adopted an order authorizing Hannawa Building Corporation (Hannawa) to increase its annual revenues by \$9,368 to cover current and projected increased operating expenses including salaries, water testing, and other operational expenses, establish an escrow account with a maximum balance of \$6,000, as annual repair expenses frequently exceed the current maximum allowed balance in base rates, and convert its paper tariff schedule, P.S.C. No. 2 – Water, to an electronic format, P.S.C. No. 3 – Water, all to become effective on April 1, 2022. Hannawa is directed to file on not less than five days' notice to become effective April 1, 2022, revised Leaf No. 12 as shown in Appendix E and the Escrow Statement No. 2 in the form shown in Appendix F. Hannawa is directed to update its customer billing invoices and other customer facing materials to include: clearly typed company contact information; a statement that bills are based on rates established by the Commission; and the New York State Department of Public Service's website address, Helpline telephone number and hours of operation, and mailing address. Hannawa shall use such updated invoices for its next semi-annual bills and thereafter, consistent with the discussion in the body of the order. Hannawa shall file a revised semi-annual sample bill, inclusive of the above information, with the Secretary to the Commission no later than April 30, 2022, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-W-0506SA1)

NOTICE OF ADOPTION**Demand Response Program (Rider T) Modifications****I.D. No.** PSC-47-21-00004-A**Filing Date:** 2022-03-16**Effective Date:** 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to file tariff amendments reflecting the required further amendments to Rider T, to become effective on April 1, 2022.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Demand Response Program (Rider T) modifications.

Purpose: To direct Con Edison to file tariff amendments reflecting the required further amendments to Rider T.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to file tariff amendments in P.S.C. No. 10 – Electricity, reflecting the required further amendments related to its demand response programs under Rider T, specifically addressing the Distribution Load Relief Programs, to become effective on April 1, 2022, on not less than 5 days' notice, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0537SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities****I.D. No.** PSC-50-21-00013-A**Filing Date:** 2022-03-17**Effective Date:** 2022-03-17

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

Action taken: On 3/16/22, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Hamburg (Hamburg) to Hamburg.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To approve National Grid's petition to transfer street lighting facilities to Hamburg.

Substance of final rule: The Commission, on March 16, 2022, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Town of Hamburg (Hamburg) to Hamburg. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period. National Grid is directed to file with the Secretary, within 60 days of the transfer of the street lighting facilities to Hamburg, a copy of the actual journal entries recorded to account for this transaction, together with the related workpapers, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0563SA1)

NOTICE OF ADOPTION**Demand Response Program****I.D. No.** PSC-51-21-00008-A**Filing Date:** 2022-03-16**Effective Date:** 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Consolidated Edison Company of New York, Inc. (Con Edison) to make all future demand response related filings in Case 14-E-0423.

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

Subject: Demand Response Program.

Purpose: To direct Con Edison to make all future demand response related filings in Case 14-E-0423.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Consolidated Edison Company of New York, Inc. to make all future demand response related filings in Case 14-E-0423, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(09-E-0115SA11)

NOTICE OF ADOPTION

Dynamic Load Management Modifications

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

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing National Grid to file tariff amendments, removing tariff provisions permitting Aggregators and Direct Participants to apply for changes, to become effective April 1, 2022.

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

Subject: Dynamic Load Management modifications.

Purpose: To direct National Grid to file tariff amendments removing tariff provisions.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) to file tariff amendments, removing tariff provisions permitting Aggregators and Direct Participants to apply for changes to the kilowatt (kW) of pledged load relief by June 1 for a July 1 effective date, to become effective on April 1, 2022, on not less than 5 days' notice. National Grid shall include in their November 15, 2022 Annual Reports discussion on whether it is reasonable to establish a single Performance Factor floor set less than or equal to 25%. National Grid is also directed to make all future demand response related filings in Case 14-E-0423, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0189SA10)

NOTICE OF ADOPTION

Demand Response Program

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

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Orange and Rockland Utilities, Inc. (O&R) to make all future demand response related filings in Case 14-E-0423.

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

Subject: Demand Response Program.

Purpose: To direct O&R to make all future demand response related filings in Case 14-E-0423.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Orange and Rockland Utilities, Inc. to make all future demand response related filings in Case 14-E-0423, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(14-E-0423SA4)

NOTICE OF ADOPTION

Dynamic Load Management Modifications

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

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing New York State Electric and Gas Corporation (NYSEG) to file tariff amendments, removing tariff provisions permitting Aggregators and Direct Participants to apply for changes, to become effective April 1, 2022.

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

Subject: Dynamic Load Management modifications.

Purpose: To direct NYSEG to file tariff amendments removing tariff provisions.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing New York State Electric and Gas Corporation (NYSEG) to file tariff amendments, removing tariff provisions permitting Aggregators and Direct Participants to apply for changes to the kilowatt (kW) of pledged load relief by June 1 for a July 1 effective date, to become effective on April 1, 2022, on not less than 5 days' notice. NYSEG shall include in their November 15, 2022 Annual Reports discussion on whether it is reasonable to establish a single Performance Factor floor set less than or equal to 25%. NYSEG is also directed to make all future demand response related filings in Case 14-E-0423, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0188SA7)

NOTICE OF ADOPTION

Dynamic Load Management Modifications

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

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Rochester

Gas and Electric Corporation (RG&E) to file tariff amendments, removing tariff provisions permitting Aggregators and Direct Participants to apply for changes, to become effective April 1, 2022.

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

Subject: Dynamic Load Management modifications.

Purpose: To direct RG&E to file tariff amendments removing tariff provisions.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Rochester Gas and Electric Corporation (RG&E) to file tariff amendments, removing tariff provisions permitting Aggregators and Direct Participants to apply for changes to the kilowatt (kW) of pledged load relief by June 1 for a July 1 effective date, to become effective on April 1, 2022, on not less than 5 days' notice. RG&E shall include in their November 15, 2022 Annual Reports discussion on whether it is reasonable to establish a single Performance Factor floor set less than or equal to 25%. RG&E is also directed to make all future demand response related filings in Case 14-E-0423, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0190SA8)

NOTICE OF ADOPTION

Dynamic Load Management Modifications

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

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order directing Central Hudson Gas & Electric Corporation (Central Hudson) to file tariff amendments modifying the calculation of Commercial System Relief Program (CSRP) Performance Factors, to become effective April 1, 2022.

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

Subject: Dynamic Load Management modifications.

Purpose: To direct Central Hudson to file tariff amendments modifying the calculation of CSRP Performance Factors.

Substance of final rule: The Commission, on March 16, 2022, adopted an order directing Central Hudson Gas & Electric Corporation (Central Hudson) to file tariff amendments modifying the calculation of Commercial System Relief Program Performance Factors, such that those Performance Factors calculated to be less than or equal to 25% would be set to zero, to become effective April 1, 2022. Central Hudson is also directed to make all future demand response related filings in Case 14-E-0423, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0186SA8)

NOTICE OF ADOPTION

Motion for Waiver

I.D. No. PSC-51-21-00015-A

Filing Date: 2022-03-18

Effective Date: 2022-03-18

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

Action taken: On 3/16/22, the PSC adopted an order approving Orange and Rockland Utilities, Inc.'s (O&R) motion for a waiver of certain Commission's regulations relating to Public Service Law article VII applications.

Statutory authority: Public Service Law, sections 4 and 122

Subject: Motion for waiver.

Purpose: To approve O&R's motion for waiver of PSL article VII application regulations.

Substance of final rule: The Commission, on March 16, 2022, adopted an order approving Orange and Rockland Utilities, Inc.'s motion for a waiver of certain Commission's regulations relating to Public Service Law Article VII applications for a Certificate of Environmental Compatibility and Public Need, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-T-0569SA1)

NOTICE OF ADOPTION

Submetering of Electricity

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

Filing Date: 2022-03-18

Effective Date: 2022-03-18

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

Action taken: On 3/16/22, the PSC adopted an order approving Astoria West, LLC's (Astoria West) notice of intent to submeter electricity at 30-77 Vernon Boulevard, Queens, New York.

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

Subject: Submetering of electricity.

Purpose: To approve Astoria West's notice of intent to submeter electricity.

Substance of final rule: The Commission, on March 16, 2022, adopted an order approving Astoria West, LLC's notice of intent to submeter electricity at 30-77 Vernon Boulevard, Queens, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0559SA1)

NOTICE OF ADOPTION

CES Load Serving Entity Modifications

I.D. No. PSC-52-21-00007-A

Filing Date: 2022-03-16

Effective Date: 2022-03-16

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

Action taken: On 3/16/22, the PSC adopted an order approving, with modifications, the 2021 Divergence Test, modifying Clean Energy Standard (CES) Load Serving Entity obligations and establishing the 2024 obligation.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2), 66-p; Energy Law, section 6-104(5)(b)

Subject: CES Load Serving Entity modifications.

Purpose: To approve, with modifications, the 2021 Divergence Test modifying CES Load Serving Entity obligations.

Substance of final rule: The Commission, on March 16, 2022, adopted an order approving, with modifications, the 2021 Divergence Test filed by the New York State Energy Research and Development Authority and Department of Public Service Staff, for modifications to the 2022 and 2023 Clean Energy Standard Load Serving Entity obligations, and the proposed establishment of the 2024 obligation, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(15-E-0302SA53)

NOTICE OF ADOPTION

Motion for Waiver

I.D. No. PSC-01-22-00011-A

Filing Date: 2022-03-18

Effective Date: 2022-03-18

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

Action taken: On 3/16/22, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) motion for a waiver of certain Commission's regulations relating to Public Service Law article VII applications.

Statutory authority: Public Service Law, sections 4 and 122

Subject: Motion for waiver.

Purpose: To approve RG&E's motion for waiver of PSL article VII application regulations.

Substance of final rule: The Commission, on March 16, 2022, adopted an order approving Rochester Gas and Electric Corporation's motion for a waiver of certain Commission's regulations relating to Public Service Law article VII applications for a Certificate of Environmental Compatibility and Public Need, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-T-0574SA1)

NOTICE OF ADOPTION

IRM for the NYCA

I.D. No. PSC-01-22-00018-A

Filing Date: 2022-03-17

Effective Date: 2022-03-17

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

Action taken: On 3/16/22, the PSC adopted an order adopting an Installed Reserve Margin (IRM) of 19.6% for the New York Control Area (NYCA) for the 2022-2023 Capability Year, beginning May 1, 2022 and ending April 30, 2023.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: IRM for the NYCA.

Purpose: To adopt an IRM of 19.6% for the NYCA for the 2022-2023 Capability Year.

Substance of final rule: The Commission, on March 16, 2022, adopted an order adopting an Installed Reserve Margin of 19.6% for the New York Control Area for the 2022-2023 Capability Year, beginning May 1, 2022 and ending April 30, 2023, established by the New York State Reliability Council, subject to the terms and conditions set forth in the order.

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

Text of rule may be obtained from: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(07-E-0088SA16)

PROPOSED RULE MAKING
NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity and Waiver Request

I.D. No. PSC-14-22-00007-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 the notice of intent of 125 W 125th Street Residential Owner LLC to submeter electricity at 121 West 125th Street and request for waiver of the requirement of an energy audit pursuant to 16 NYCRR section 96.5(k)(3).

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

Subject: Notice of intent to submeter electricity and waiver request.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering the notice of intent filed by 125 W 125th Street Residential Owner LLC on February 25, 2022, seeking authority to submeter electricity a new fully rent stabilized, income-based rental building at 121 West 125th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

Additionally, the petitioner requested waiver of 16 NYCRR § 96.5(k)(3), the requirement for an energy audit for buildings where 20 percent or more of the residents receive income-based housing assistance.

In the notice of intent, 125 W 125th Street Residential Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The Commission is also considering the Owner's request for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that, because the buildings are new construction, it must comply with the current New York State Energy Conservation Construction Code, which provides strict energy conserva-

tion requirements for new and renovated buildings, including the design and construction of energy-efficient building envelopes, mechanical, lighting and power systems, and therefore, an energy audit is not necessary in this case.

The full text of the notice of intent, waiver request, 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-E-0120SP1)

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

An Opt-Out Community Distributed Generation Program

I.D. No. PSC-14-22-00008-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 Straw Proposal filed on March 22, 2022 by Department of Public Service Staff proposing program rules for an opt-out community distributed generation program.

Statutory authority: Public Service Law, sections 5(1), (2), 53, 64(1), (2), (3), 65(1), 66(1), (2), (3), (5), 66-j and 66-I

Subject: An opt-out community distributed generation program.

Purpose: To establish the program rules for offering community distributed generation on and opt-out basis in New York State.

Substance of proposed rule: The Public Service Commission (Commission) is considering a straw proposal filed by Department of Public Service Staff (Staff) proposing program rules for an opt-out community distributed generation (CDG) program (Straw Proposal). The Straw Proposal offers numerous recommendations for topics within each of the following four categories: Opt-Out CDG Program Structure, Opt-Out CDG Program Rules, Data Access and CDG Billing and Crediting, and Opt-Out CDG Compliance and Enforcement.

Staff recommends that opt-out CDG be permitted as a standalone product offering as part of a community choice aggregation (CCA) program and recommends that distribution utility tariffs be modified to accommodate this product offering. Staff also recommends that the opt-out CDG offering comply with the same foundational requirements as those established by the Commission for CCA supply products, including those related to: (1) the municipality passing a local law under its home rule law enabling out-out CDG; (2) the municipality appointing a CCA Administrator to file for Commission consideration and approval an implementation plan describing the program in detail, including a description of the program's goals and its plans for value-added services; (3) the CCA Administrator developing and executing a robust outreach and education (O&E) plan; (4) establishment of data exchanges between the distribution utility and the Administrator, including execution of a data security agreement (DSA); and program reporting.

Staff recommends that the eligible customer service classes for CCA also apply to an opt-out CDG program, with the addition of the following customer types who have been excluded to date from being eligible under existing CCA program requirements: time-of-use or time varying rate customers; low-income customers; customers with energy service company (ESCO) blocks on their utility accounts; and customers who are being served by an ESCO. Staff recommends special rules for low-income customers, including that such customers must be enrolled in a municipality's opt-out CDG program first, with all such customers being enrolled within 12-months of each other.

Regarding the minimum savings rate for CDG billing via the Net Credit-

ing model, Staff recommends that the minimum discount for non-low-income customers be 5%, and the minimum discount for low-income customers be 10%, and further recommends that the requirement for a single savings rate per project be modified to allow for multiple savings rates. Staff proposes that the Net-Crediting model be used for crediting and billing an opt-out CDG program at this time, and if a credit pooling mechanism is implemented statewide, the program Administrator have the option to choose whichever crediting model would be most beneficial for the program and its participants.

With respect to Administrator fees, Staff recommends that CCA Administrator fees for opt-out CDG be paid exclusively by the CDG project owner(s) serving the CCA, and that CCA Administrators, and their subcontractors or partners, be barred from collecting fees or any other payment from municipalities, customers, or other parties for the purpose of administering an opt-out CDG program. Staff also recommends that CCA Administrators may collect fees on either an upfront basis (prior to project operation), an ongoing basis (monthly, annually, or some other period) or some combination thereof, and fees may be calculated on a percent of CDG credits basis, a per energy use basis, a per customer basis, or on some other reasonable basis. Relatedly, Staff recommends that CCA Administrators be required to clearly present their proposed fee structure in any proposals made to municipalities to participate in a CCA, as well as in Municipal Implementation Plans, including the method by which fees would be calculated (e.g., % basis, per Watt basis) for upfront and/or ongoing fees and with respect to fees calculated on a % basis, an estimate of the monetary (\$) equivalent of those fees using the Value Stack Calculator. Finally, the Straw Proposal recommends that CCA Administrators be required to clearly present the intended milestone for payment of upfront fees, such as at contract signing by CDG owner(s) or upon allocation of customers to CDG projects, and CCA Administrators be required to include fees collected during that period and cumulatively.

Regarding the role of the Administrator, Staff proposes that, if the CCA Administrator is also a CDG asset owner, disclosures of affiliation must be acknowledged by the municipality during the time of the initial Administrator and municipal agreement, and should also be contained within the municipal solicitation processes and CDG contract procurement agreements. Staff further proposes that terms should be included within these opt-out CDG agreements that clearly address what would happen with the program if the Administrator leaves the CCA market, if the municipality decides to take over the Administrator role itself, or if the municipality wants to terminate its contract with the Administrator or discontinue its CCA program. Regarding the potential for a municipality to contract with multiple Administrators, Staff proposes that this option be left to the municipality. Staff also recommends that Administrators submit copies of the municipality's CDG solicitation documents and CDG agreements within the municipal implementation plan.

Staff recommends the establishment of rules to ensure that CDG is available to all customers, including those that choose to opt-out into CDG, and not just those customers that live within a municipality where a CCA opt-out program is in place. To ensure there will be enough CDG capacity available for all CDG models, Staff recommends alignment with the Commission's determination on the Solar Roadmap's recommendation on this specific topic, and seeks feedback on whether a cap, carve-out, or some other mechanism be put in place to ensure all New Yorkers have access to CDG.

Staff further recommends the alignment with the Expanded Solar for All (E-SFA) program for those municipalities in the Niagara Mohawk Power Corporation d/b/a National Grid (National Grid) service territory that choose to implement an opt-out CDG program. Options for such alignment presented in the Straw Proposal include: (1) not permitting participation in both opt-out CDG and E-SFA, with the low-income customer staying in the E-SFA program; (2) not allowing dual participation but allow the opt-out CDG program to serve the low-income customer if it can provide deeper savings than the customer would receive under E-SFA; or (3) allowing dual participation in opt-out CDG and E-SFA with the layering of discounts to provide enhanced savings.

Staff proposed a process of prioritizing a customer's opt-in choice to enroll in CDG over an opt-out CDG enrollment and seeks further stakeholder input on the feasibility of this proposal, which would require the addition of an opt-out program identifier on the CDG allocation forms.

Regarding O&E plans, Staff provides specific recommendations for the structure of O&E that must be conducted depending on the structure of the CCA (i.e. the number of product offerings, the timing of each offering, and whether CDG is phased in). Consistent with the existing rules for CCA supply O&E, Staff asserts that O&E should provide clear communication to potential customers about CDG subscriptions, including education about how CDG generally works, how savings are calculated, seasonality of project generation, how credits appear on the bill, enrollment timelines, and how to opt out. Administrators should also be required to communicate on an annual basis with their CDG customers and share

information on their programs' performance and benefits, as well as information on how to contact their Administrator with questions or issues. Additionally, Staff recommends that opt-out letters plainly describe the opt-out CDG offering, its savings, how someone can opt-out, are provided in the customers primary language, if known, and include information on the impact a CDG subscription would have on a customer's status as a low-income customer, as applicable.

The Straw Proposal explains the types of data that should be communicated by the distribution utilities to Administrators in order to facilitate an opt-out CDG program and recommends that each utility test and confirms that their Information Technology systems can produce the data necessary for the program, including historic usage for all eligible CDG customers, prior to opt-out CDG program implementation.

Regarding CDG crediting and billing, the Straw proposal presents a status update on the distribution utilities' implementation of the Net Crediting mechanism adopted by the Commission for consolidated billing of CDG products, and also highlights some of the complications experienced as part of that implementation. To address these issues, Staff recommends that the Commission establish quarterly utility CDG billing and crediting performance reports, utility performance metrics, and consumer protection measures related to all CDG crediting & billing, including Net-Crediting billing. Relatedly, Staff recommends that the Commission adopts Negative Revenue Adjustment mechanisms to be tied directly to the utilities' CDG crediting and billing performances.

With respect to program reporting, Staff recommends that any opt-out CDG program follow the Administrator compliance filing requirements that were established for CCA supply products, including any future modifications made to those requirements by the Commission. Staff also recommends the development of reporting requirements related to quarterly opt-out CDG reporting, including: details on participating CDG projects including all CDG projects' size, location, utility service territory, and number of participating members for each project; description of phased-in memberships, including number of members by service class; net-credited rate savings for CDG subscribers; and Administrator fees collected during the reported period and cumulatively. Staff also highlights the need for an enforcement mechanism that would ensure that all CCA market participants act fairly and conduct business in a way that would protect the CCA market and, in turn, create a more positive, robust CCA program for the State as a whole. Staff proposes to adopt for any opt-out CDG program an enforcement mechanism identical to the one being considered by the Commission in relation to the April 14, 2021 Department of Public Service Staff Whitepaper on Community Choice Aggregation Programs. Finally, Staff recommends that Administrators file Municipal Implementation Plans for Staff review and verification that include, in addition to the existing requirement for CCA supply, specific information related to the opt-out CDG program offering.

The full text of the Straw 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 other 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.

(14-M-0224SP23)

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

Establishment of the Regulatory Regime Applicable to a Solar Electric Generating and Battery Storage Facility

I.D. No. PSC-14-22-00009-P

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

Proposed Action: The Commission is considering a petition filed by

Excelsior Energy Center, LLC for a lightened regulatory regime regarding a 280 MW solar electric generating and battery storage facility in Genesee County, New York.

Statutory authority: Public Service Law, sections 2(12), (13), 5(1)(b), 64-69, 69-a, 70-72, 72-a, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

Subject: Establishment of the regulatory regime applicable to a solar electric generating and battery storage facility.

Purpose: To ensure appropriate regulation of a new electric corporation.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by Excelsior Energy Center, LLC (Excelsior) on February 25, 2022 requesting a lightened regulatory regime in connection with the approximately 280 MW solar electric generating and battery storage facility that Excelsior is developing in Genesee County, New York.

Excelsior requests an order providing that it will be regulated as an electric corporation under a lightened regulatory regime consistent with that imposed on the owners-operators of other competitive wholesale generators. Excelsior also seeks a Certificate of Public Convenience and Necessity pursuant to § 68 of the Public Service Law.

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.

(22-E-0122SP1)

Department of State

**EMERGENCY/PROPOSED
RULE MAKING
HEARING(S) SCHEDULED**

New York State Uniform Fire Prevention and Building Code (Uniform Code)

I.D. No. DOS-14-22-00006-EP

Filing No. 218

Filing Date: 2022-03-22

Effective Date: 2022-03-22

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

Proposed Action: Amendment of section 1219.1; addition of Part 1229 to Title 19 NYCRR.

Statutory authority: Executive Law, sections 377 and 378

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

Specific reasons underlying the finding of necessity: The State Fire Prevention and Building Code Council ("Code Council") and the Department of State have determined that immediate adoption of this rule on an emergency basis, as authorized by section 202 (6) of the State Administrative Procedure Act, is necessary to protect public health, public safety, and general welfare, and that compliance with the requirements of subdivision one of section 202 of the State Administrative Procedure Act prior to the adoption of this rule would be contrary to the public interest, for the following reasons:

- (1) The New York State Uniform Fire Prevention and Building Code

(“Uniform Code”), which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), does not currently have provisions that require every grease trap or interceptor to be designed and maintained to withstand expected loads and to prevent unauthorized access or require the installation of a warning sign or symbol on or in the vicinity of such grease traps or interceptors.

(2) This rule would amend the Uniform Code to include provisions addressing new subdivision eighteen of Executive Law section 378, as amended and effective March 22, 2022, to include the aforementioned provisions.

(3) Chapter 753 of the Laws of 2021 and Chapter 47 of the Laws of 2022 provide that the amendments to new subdivision eighteen of Executive Law section 378 shall be effective on the ninetieth day after it shall have become law, or March 22, 2022; provided, however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of the amendments to Executive Law section 378 on its effective date are authorized to be made and completed on or before such effective date.

(4) A rule amending the Uniform Code to add this new provision is necessary.

(5) Developing, proposing, adopting, and implementing such a rule in compliance with the requirements of State Administrative Procedure Act section 202 (1) would delay the effective date of the rule and be inconsistent with the mandate provided in Chapter 47 of the Laws of 2022.

(6) Adopting such a rule as an emergency rule, to be effective on March 22, 2022, is necessary to protect public health, public safety, and general welfare.

Subject: New York State Uniform Fire Prevention and Building Code (Uniform Code).

Purpose: To amend the existing Uniform Code to add provisions relating to grease traps or interceptors.

Public hearing(s) will be held at: 10:00 a.m., June 8, 2022 at 99 Washington Ave., Rm. 505, Albany NY.

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

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

Text of emergency/proposed rule: 1. Section 1219.1 of Part 1219 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

Section 1219.1 Uniform Fire Prevention and Building Code

The New York State Uniform Fire Prevention and Building Code (the Uniform Code), adopted pursuant to Article 18 of the Executive Law, includes Part 1220 (Residential Construction), Part 1221 (Building Construction), Part 1222 (Plumbing Systems), Part 1223 (Mechanical Systems), Part 1224 (Fuel Gas Equipment and Systems), Part 1225 (Fire Prevention), Part 1226 (Property Maintenance), Part 1227 (Existing Buildings), [and] Part 1228 (Rail Stations), and Part 1229 (Other Uniform Code Provisions) of this Title and the publications incorporated by reference into those Parts.

2. Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Part 1229 to read as follows:

Part 1229

Other Uniform Code Provisions

Subpart 1229-1

Introduction

Section 1229-1.1 Introduction.

The provisions set forth in this Part 1229 are part of the Uniform Fire Prevention and Building Code (the “Uniform Code”) and are in addition to, and not in limitation of, the provisions set forth in Parts 1219 through 1228 of this Title.

Subpart 1229-2

Grease Interceptors

Section 1229-2.1 Introduction.

This Subpart establishes standards, in addition to those set forth in Parts 1219 through 1228 of this Title, for the installation, modification, use, and maintenance of grease interceptors.

Section 1229-2.2 Purpose.

This Subpart implements the provisions of subdivision eighteen of section 378 of the Executive Law, as amended by Chapter 47 of the Laws of 2022.

Section 1229-2.3 Definitions.

In this Subpart, the following terms shall have the following meanings:

(a) *Approved.* Acceptable to the code enforcement official or authority having jurisdiction.

(b) *Authority Having Jurisdiction.* The governmental unit or agency responsible for administration and enforcement of the Uniform Code.

(c) *Code Enforcement Official.* The officer or other designated authority charged with the administration and enforcement of the Uniform Code, or a duly authorized representative.

(d) *Grease interceptor.* Also known as “grease trap.” Includes any of the following types of systems:

(1) *Fats, oils and greases (FOG) disposal system.* A plumbing appurtenance that reduces nonpetroleum fats, oils and greases in effluent by separation or mass and volume reduction.

(2) *Gravity.* Plumbing appurtenances of not less than 300 gallons (1136 L) capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.

(3) *Hydromechanical.* Plumbing appurtenances that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Continuous separation is accomplished by air entrainment, buoyancy and interior baffling.

(e) *Uniform Code.* The New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of this Title.

Section 1229-2.4 Provisions and requirements applicable to grease interceptors.

(a) *General.* Grease interceptors shall comply with the applicable provisions and requirements of the Uniform Code set forth in Parts 1220 to 1228 of this Title, and this Subpart.

(b) *New and existing grease interceptors shall comply with the following:*

(1) *Expected loads.* All grease interceptors shall be designed to withstand all expected earth, pedestrian, traffic, and other loads as applicable. Openings in grease interceptors that provide access to the grease interceptor shall have covers that are watertight and secure, not capable of sliding, rotating, or flipping to expose the opening, and be capable of withstanding all expected earth, pedestrian, traffic, and other loads as applicable.

(2) *Preventing unauthorized access.* Only authorized individuals shall have access to grease interceptors. Access to the grease interceptor shall be restricted by at least one of the following means:

(i) covers that can be removed only with tools;

(ii) covers with minimum weight of 66 pounds (30 kg);

(iii) covers that have a keyed or combination locking device;

(iv) a permanent fence or solid barrier designed to prevent climbing that: is not less than 48 inches (1219 mm) tall; has self-closing and self-latching gates with the latch release installed at a minimum of 54 inches (1372 mm) from the finished floor or ground surface and a keyed or combination locking mechanism; completely surrounds all openings in grease interceptors that provide access to the grease interceptor separating them from all other purposes and uses other than for service, cleaning, or other maintenance of the grease interceptor; and prevents unauthorized individuals from accessing the covers; or

(v) an approved alternative method of preventing unauthorized access.

(3) *Grease interceptor signage.* Grease interceptors shall be provided with a minimum of one approved sign. The code enforcement official shall have the authority to require additional signs as necessary to ensure the warning is clearly visible and readable at all times by persons who are in the vicinity of the grease interceptor. The code enforcement official may accept sign(s) designed in conformance with a hazard alerting sign complying with the 2017 version of ANSI Z535.2: American National Standard for Environmental and Facility Safety Signs, with a warning hazard classification. Sign(s) shall comply with the following:

(i) The sign(s) shall be mounted in a conspicuous location in the vicinity of any cover or covers that provide access to the grease interceptor.

(ii) The sign(s) shall be made of a non-fading, rigid, weather-resistant material suitable for the installation location. Stickers and laminated paper shall not be allowed.

(iii) The sign(s) shall be in substantial compliance with Figure 1 below with a separate top and bottom panel with black borders. The top panel shall consist of the word “WARNING” in uppercase black letters with an orange background preceded by a black triangle with an orange exclamation mark. The bottom panel shall consist of the words “ACCESS COVERS SHALL BE SECURED AT ALL TIMES” in uppercase black letters with a white background.



Figure 1: Grease Interceptor Warning Sign

(iv) The sign(s) shall have a minimum nominal width of 14-inches and a minimum nominal height of 10-inches.

(v) The sign(s) shall be permanently affixed to any supporting device, and all mounting hardware and supporting devices shall be of a sturdy, weather-resistant material suitable for the installation location.

Section 1229-2.5 Maintenance.

Grease interceptors shall be maintained in accordance with the Uniform Code and the manufacturer’s installation instructions. Grease interceptors shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system, or the sewage treatment plant or processes. Records of maintenance, cleaning, and repairs shall be available for inspection by the code enforcement official. Maintenance personnel and the property owner shall ensure the approved method of preventing unauthorized access is in good repair and properly secured following any maintenance performed, shall ensure the required signage is properly maintained, and that the grease interceptor is properly maintained to withstand all expected earth, pedestrian, traffic, and other loads as applicable.

Section 1229-2.6 Exemption.

(a) Grease interceptors that meet all of the following requirements are exempt from the requirements of this Subpart:

- (1) serve individual dwelling units;
- (2) are not accessible to or open to the public;
- (3) are installed in accordance with the manufacturer’s installation instructions;
- (4) are maintained in accordance with the applicable provisions of the Uniform Code and the manufacturer’s installation instructions; and
- (5) are regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes, and a record of all maintenance, cleaning, and repairs is kept.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire June 19, 2022.

Text of rule and any required statements and analyses may be obtained from: Chad Sievers, Department of State, 99 Washington Avenue, Suite 1160, Albany, NY 12231, (518) 473-4073, email: chad.sievers@dos.ny.gov

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

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

Additional matter required by statute: The State Fire Prevention and Building Code Council (“Code Council”) and the Department of State have determined that making this rule and the amendments to the New York State Uniform Fire Prevention and Building Code (the “Uniform Code”) made by this rule effective immediately upon the filing of the Notice of Emergency Adoption, as authorized by Executive Law section 378(19)(a)(i),¹ is necessary to protect health, safety, and security, for the following reasons:

(1) The Uniform Code, which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), does not currently have provisions that require every grease trap or interceptor to be designed and maintained to withstand expected loads and to prevent unauthorized access or require the installation of a warning sign or symbol on or in the vicinity of such grease traps or interceptors.

(2) This rule would amend the Uniform Code to include provisions ad-

ressing subdivision eighteen of Executive Law section 378, as amended and effective March 22, 2022, to include the aforementioned provisions.

(3) Chapter 753 of the Laws of 2021 and Chapter 47 of the Laws of 2022 provide that the amendments to new subdivision eighteen of Executive Law section 378 shall be effective on the ninetieth day after it shall have become law, or March 22, 2022, however, that effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of the amendments to Executive Law section 378 on its effective date are authorized to be made and completed on or before such effective date.

(4) A rule amending the Uniform Code to add this new provision is necessary.

(5) Developing, proposing, adopting, and implementing such a rule to become effective at least ninety days after the date on which notice of such change has been published in the State Register would delay the effective date of the rule and be inconsistent with the mandate provided in Chapter 47 of the Laws of 2022.

(6) Adopting such a rule as an emergency rule, to be effective immediately upon the filing of the Notice of Emergency Adoption is necessary to protect health, safety, and security.

¹Pursuant to Chapter 753 of the Laws of 2021 and Chapter 47 of the Laws of 2022, effective March 22, 2022, the existing subdivision eighteen of Executive Law section 378 will be renumbered subdivision nineteen.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://dos.ny.gov/notice-proposed-rule-making>):

1. STATUTORY AUTHORITY

Article 18 of the Executive Law (§ 370-383) establishes the State Fire Prevention and Building Code Council (“Code Council”) and authorizes such Code Council to formulate a code to be known as the Uniform Fire Prevention and Building Code (“Uniform Code”). The statutory authority for this rule is Executive Law § 377(1), which authorizes the Code Council to formulate the Uniform Code and, from time to time, to amend particular provisions of the Uniform Code.

Effective March 22, 2022, Executive Law § 378 will be amended to provide that the Uniform Code shall address the following subject:

18. Standards requiring that grease traps or interceptors located in a place that may be accessible by the public, or located inside any food service establishment, or located in any other building that is open to the public, shall be designed and maintained to withstand expected loads and to prevent unauthorized access. Such standards shall also include requiring the installation of a warning sign or symbol, as determined by the council, on or in the vicinity of such grease traps or interceptors. Such standards shall apply to new and existing grease traps and interceptors. For the purposes of this subdivision, “food service establishment” shall have the same meaning as in part fourteen of title ten of the New York code of rules and regulations.

Chapter 753 of the Laws of 2021 and Chapter 47 of the Laws of 2022 provide that the amendments to Executive Law § 378 shall be effective March 22, 2022; provided, however, that effective immediately, the addition, amendment, and/or repeal of any rules or regulations by the Secretary of State and/or by the Code Council necessary for the implementation of the amendments to Executive Law § 378 on its effective date are authorized to be made and completed on or before such effective date.

This rule making would amend the Uniform Code to include provisions addressing new subdivision eighteen of Executive Law § 378, as amended and effective March 22, 2022.

Consequently, it is the determination of the Department of State (“DOS”) and the Code Council that Executive Law § 377 and § 378, and Chapter 753 of the Laws of 2021 and Chapter 47 of the Laws of 2022, authorize the proposed regulation.

This rule will amend the Uniform Code adding a new Part 1229 to Title 19 of the New York Codes, Rules and Regulations (“NYCRR”), which will contain specific provisions in relation to the installation, modification, use, and maintenance of grease interceptors, commonly referred to as grease traps, and amending section 1219.1 of Title 19 of the NYCRR to provide that new Part 1229 is part of the Uniform Code.

2. LEGISLATIVE OBJECTIVES

DOS and the Code Council interpret the legislative objectives of new subdivision eighteen of Executive Law § 378 to include requiring that grease interceptors located in a place that may be accessible by the public to be designed and maintained (1) to withstand expected loads, (2) to prevent unauthorized access, and (3) to have a warning sign or symbol installed on or in the vicinity of the grease interceptor.

3. NEEDS AND BENEFITS

This rule will amend the Uniform Code to include certain safety provisions and requirements that shall apply to both new and existing grease interceptors. This change is necessary to comply with the recent statutory amendment to Executive Law § 378. Specifically, the rule will require: (1) the installation of a warning sign or signs on or in the vicinity of all covers providing access to a grease interceptor; (2) all grease interceptors and

their covers to be designed and maintained to withstand expected loads; and (3) all covers providing access to the grease interceptors be restricted or secured from those who are not authorized to access the grease interceptor, and be tight-fitting to prevent sliding, rotating, or flipping to expose the opening.

4. COST

For many existing facilities, the estimated costs to comply with this rule will be minimal and only include the purchase and installation of a warning sign, or possibly two, for each grease interceptor. These specified signs can be purchased from local sign shops or internet providers for approximately \$40 each. The sign could be mounted to a wall or a signpost, adding approximately \$5 to \$30 in material costs. The labor cost of installing the signs will vary from location to location, but is expected to take between 10 minutes for mounting the sign on existing walls or up to two hours to install the sign with an anchored signpost and can likely be accomplished by facility staff with no specialized tools or skills required.

Existing smaller interior below the sink style grease interceptor access covers may not have been required to be secured from unauthorized access by the Uniform Code in effect at the time of installation. Therefore, an additional cost to existing facilities would be to secure the covers of these types of grease interceptors, where such grease interceptor is large enough that unauthorized access poses a health and safety risk to a human being. For some existing interceptors, this can be accomplished by adding two hasps and keyed alike padlocks or other devices requiring a tool to remove the covers, and is estimated to cost \$50 for materials and per lid.

It is important to note that the current Uniform Code already requires grease interceptors to be maintained, secured, and designed to withstand expected loads; therefore, many of the provisions of this rule would not be considered a new cost. For new grease interceptors installed pursuant to the provisions of this rule, similar to the existing ones noted above, the addition of a sign at the costs noted above will be required and the smaller interior grease interceptors will now need to be secured as noted, where such grease interceptor is large enough that unauthorized access poses a health and safety risk to a human being.

Exterior below-grade grease interceptors could be located in areas not subject to vehicular loading or in paved areas where vehicle loading is possible. Depending on the location and expected loads, covers may be of either a plastic style or something more durable such as concrete risers with a cast iron frame and cover. A replacement plastic cover would cost approximately \$60 each. With each exterior below-grade grease interceptor typically having two or three access covers it is still anticipated that the installation of a new replacement cover with screws will be a negligible amount for an authorized facility staff member or a service technician to secure the cover with screws while performing other routine maintenance, provided that the available lids are compatible with the risers. If a riser also needs to be replaced, the cost is estimated to be \$500 to \$600 for non-traffic loaded scenarios.

For facilities with grease interceptors located in traffic locations, new risers and cast-iron lids along with the excavation, backfill, and pavement patching will likely cost \$1,500 for a grease interceptor with two access openings. Another option allowed by the rule that facilities may choose is to fence or enclose the area with access openings. Fencing a 15 by 15-foot area with a 48-inch chain link fence with a 4-foot self-closing gate will cost \$3,200.

The least common but most expensive situation is where the grease interceptor is determined to be incapable of supporting the expected loads and the grease interceptor must be replaced. The cost of materials and installation of two new 1,250-gallon gravity grease interceptors in series is expected to cost between \$15,000 and \$35,000. Many factors could impact the cost of installation that cannot be readily estimated for all scenarios such as site access, contaminated soils, pavement type, interceptor size, hazardous materials such as asbestos piping, the presence and relocating of other adjacent utilities, and many other site-specific requirements.

Grease interceptors regulated by this rule are regulated by the current version of the Uniform Code. Any entity with jurisdiction over the Uniform Code will already have in place a means to implement and continue to administer the provisions of the Uniform Code. The potential additional cost of implementing and continued administration of the provisions would be in the form of reviewing building permit applications, issuing building permits, performing construction inspections, and issuing close-out documents evidencing compliance, as necessary, for property owners to comply with any of the provisions. These potential costs to the entity with jurisdiction would, however, be typically charged to the permit applicant as part of a building permit fee.

The Department of State's Division of Building Standards and Codes will provide training on the amendments to the Uniform Code for all local government code enforcement personnel in the State at no cost to the municipalities. Code enforcement personnel employed by the cities, towns, villages, and counties that are required to administer and enforce the Uniform Code will need to receive training regarding the new and

amended provisions of the Uniform Code. However, such code enforcement personnel are already required by regulation (19 NYCRR Part 1208) to receive 24 hours of annual in-service training, and it is anticipated that the training needed to familiarize code enforcement personnel with the amendments to the Uniform Code to be implemented by this rule will be accomplished within that annual in-service training.

Local governments can obtain a copy of 19 NYCRR Part 1229 on the DOS website at no cost.

5. LOCAL GOVERNMENT MANDATES

This rule will not impose any new program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or another special district.

6. PAPERWORK

This rule will not impose any additional reporting or record keeping requirements. No additional paperwork is anticipated.

7. DUPLICATION

The rule does not duplicate any existing Federal or State requirement.

8. ALTERNATIVES

This rule making became necessary in light of the recent statutory amendment to Executive Law § 378 and Chapter 753 of the Laws of 2021 and Chapter 47 of the Laws of 2022. Consequently, the alternative of not amending the Uniform Code to add provisions relating to grease interceptors was rejected.

DOS looked at several alternatives suggested by public comments but rejected alternatives for reasons further detailed in the full Regulatory Impact Statement.

9. FEDERAL STANDARDS

There are no federal standards that conflict with this rule.

10. COMPLIANCE SCHEDULE

This rule will become effective immediately upon filing and is required by statute to be effective on March 22, 2022. While requiring existing grease interceptors to comply with the provisions of the rule on the law's effective date of March 22, 2022, may in some instances be impracticable, the change in law does not allow for leeway in compliance or establishment of a grace period.

DOS notified interested parties throughout the State of a draft rule that is similar to the rule now being proposed by means of a notice that was posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments, design professionals, and other persons and entities involved in the construction industry in all areas of the State.¹ The notice was posted, and issued in the Building New York e-bulletin, prior to the filing of the Notice of Adoption for this emergency rule. Additionally, through email, the DOS notified the waste haulers who are registered with the Department of Environmental Conservation to haul "Grease Trap Waste" of the development of this rule prior to the filing of the Notice of Adoption of this emergency rule. Many grease trap waste haulers inspect, maintain, and install grease traps and therefore will likely be performing work related to the compliance of this rule.

The version of the draft rule posted on the DOS website and contained in the e-bulletin Building New York provided a six-month grace period for existing grease traps or interceptors; however, upon further review of Chapter 47 of the Laws of 2022 signed on February 25, 2022, it was determined that such leeway was not afforded by the statute to existing grease traps or interceptors for compliance.

Regulatory Flexibility Analysis

1. EFFECT OF RULE:

This rule amends the New York State Uniform Fire Prevention and Building Code ("Uniform Code") by adding specific provisions in relation to the installation, modification, use, and maintenance of grease traps or interceptors. Particularly, the Uniform Code is amended to include provisions requiring that grease traps or interceptors located in a place that may be accessible by the public shall be designed and maintained (1) to withstand expected loads, (2) to prevent unauthorized access, and (3) to have a warning sign or symbol installed on or in the vicinity of the grease trap or interceptor. This rule is adopted by the State Fire Prevention and Building Code Council ("Code Council"), a council established by Article 18 of the Executive Law. The Uniform Code is applicable in all areas of the State with the exception of the City of New York.

This rule has the potential to affect small businesses that install, use, service, or maintain grease traps or interceptors in all areas of the State except the City of New York. Small businesses that install, use, service, or maintain grease traps or interceptors are subject to the provisions of the Uniform Code and therefore will be required to comply with this rule.

Since this rule amends provisions in the Uniform Code, each local government that is responsible for administering and enforcing the Uniform Code will be affected by this rule. The Department of State ("DOS") estimates that approximately 1,600 local governments (mostly cities, towns and villages, as well as several counties) are responsible for administering and enforcing the Uniform Code. Local governments will be affected by this rule if the government installs, uses, services, or

maintains grease traps or interceptors that are subject to the provisions of the Uniform Code. In those circumstances, a local government is in no different situation than that of any building owner or operator, public or private. Therefore, adoption of this rule making will affect cities, towns, and villages of the State with the exception of the City of New York.

2. COMPLIANCE REQUIREMENTS:

This rule will not impose any reporting requirements for local governments.

Small businesses and local governments subject to the rule will be required to install, use, service, and maintain grease traps or interceptors in accordance with the rule's provisions. In most cases, this will involve the issuance of a building permit; and in such cases, the local government responsible for administering and enforcing the Uniform Code will be required to consider the requirements of this rule when reviewing plans and inspecting work.

3. PROFESSIONAL SERVICES:

Building owners typically rely on professionals for their expertise in building regulations with respect to the design and installation of grease traps or interceptors. Generally, the existing Uniform Code requirements already require professional services.

4. COMPLIANCE COSTS:

For many existing facilities, the estimated costs to comply with this rule will be minimal and only include the purchase and installation of a warning sign, or possibly two, for each grease interceptor. These specified signs can be purchased from local sign shops or internet providers for approximately \$40 each.¹ The sign could be mounted to a wall or a signpost, adding approximately \$5 to \$30 in material costs.² The labor cost of installing the signs will vary from location to location, but is expected to take between 10 minutes for mounting the sign on existing walls or up to two hours to install the sign with an anchored signpost and can likely be accomplished by facility staff with no specialized tools or skills required.

Even though some below-grade exterior grease interceptors were installed prior to the Uniform Code requirement to be designed to meet expected loads, and in certain instances the public authority may have required the installation of an exterior grease interceptor, the public authority and the design professional associated with the project would more than likely have ensured that such exterior grease interceptors were designed and installed to withstand expected loads as a standard engineering practice of below grade structures and in accordance with the applicable manufacturer's installation instructions. The owner of an existing grease interceptor may find it necessary, or be required at the discretion of the Authority Having Jurisdiction, to have their existing exterior grease interceptor evaluated by a design professional or other qualified individual to verify compliance with this rule.

Existing smaller interior below the sink style grease interceptor access covers may not have been required to be secured from unauthorized access by the Uniform Code in effect at the time of installation. Therefore, an additional cost to existing facilities would be to secure the covers of these types of grease interceptors, where such grease interceptor is large enough that unauthorized access poses a health and safety risk to a human being. For some existing interceptors, this can be accomplished by adding two hasps and keyed alike padlocks or other devices requiring a tool to remove the covers, and is estimated to cost \$50 for materials and per lid.³

It is important to note that the current Uniform Code already requires grease interceptors to be maintained, secured, and designed to withstand expected loads; therefore, many of the provisions of this rule would not be considered a new cost. For new grease interceptors installed pursuant to the provisions of this rule, similar to the existing ones noted above, the addition of a sign at the costs noted above will be required and the smaller interior grease interceptors will now need to be secured as noted, where such grease interceptor is large enough that unauthorized access poses a health and safety risk to a human being.

This rule will also emphasize the importance of maintaining these provisions. As a result, some facilities will correct issues that may have been previously overlooked. It is anticipated that the most common issue would be a missing, broken, improperly sized, or unsecured access cover. Exterior below-grade grease interceptors could be located in areas not subject to vehicular loading or in paved areas where vehicle loading is possible. Depending on the location and expected loads, covers may be of either a plastic style or something more durable such as concrete risers with a cast iron frame and cover. A replacement plastic cover would cost approximately \$60 each.⁴ With each exterior below-grade grease interceptor typically having two or three access covers it is still anticipated that the installation of a new replacement cover with screws will be a negligible amount for an authorized facility staff member or a service technician to secure the cover with screws while performing other routine maintenance, provided that the available lids are compatible with the risers. If a riser also needs to be replaced, the cost is estimated to be \$500 to \$600 for non-traffic loaded scenarios.⁵

For facilities with grease interceptors located in traffic locations, the

covers are subject to higher loads and have an increased potential for damage due to snow plowing or other types of equipment; resulting in the need for maintenance and repair. New risers and cast-iron lids along with the excavation, backfill, and pavement patching will likely cost \$1,500 for a grease interceptor with two access openings.⁶ Another option allowed by the rule that facilities may choose is to fence or enclose the area with access openings. Fencing a 15 by 15-foot area with a 48-inch chain link fence with a 4-foot self-closing gate will cost \$3,200.⁷

The least common but most expensive situation is where the grease interceptor is determined to be incapable of supporting the expected loads and the grease interceptor must be replaced. The cost of materials and installation of two new 1,250-gallon gravity grease interceptors in series is expected to cost between \$15,000 and \$35,000.⁸ Many factors could impact the cost of installation that cannot be readily estimated for all scenarios such as site access, contaminated soils, pavement type, interceptor size, hazardous materials such as asbestos piping, the presence and relocating of other adjacent utilities, and many other site-specific requirements.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

It is economically and technologically feasible for regulated parties to comply with the rule. This rule imposes no substantial capital expenditures. No new technology needs to be developed for compliance with this rule.

6. MINIMIZING ADVERSE IMPACT:

The economic impact of this rule on small businesses and local governments will be no greater than the economic impact of this rule on other regulated parties, and the ability of small businesses and local governments to comply with the requirements of this rule should be no less than the ability of other regulated parties to comply. Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

DOS notified interested parties throughout the State of a draft rule that is similar to the rule now being proposed by means of a notice that was posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments, design professionals, and other persons and entities involved in the construction industry in all areas of the State.⁹ The notice was posted, and issued in the Building New York e-bulletin, prior to the filing of the Notice of Adoption for this emergency rule. Additionally, through email, DOS notified the waste haulers who are registered with the Department of Environmental Conservation to haul "Grease Trap Waste" of the development of this rule prior to the filing of the Notice of Adoption of this emergency rule. Many grease trap waste haulers inspect, maintain, and install grease traps and therefore will likely be performing work related to the compliance of this rule.

DOS has posted the full text of this rule on the DOS website.

¹Online retailer: 10" x 14" aluminum custom warning safety sign.

²Simple wall installation including exterior grade screws or anchors (\$5). 4x4 pressure treated post (\$15), exterior grade screws or anchors (\$5), and several bags of concrete (\$10).

³Must check with manufacturer to determine appropriate method to secure lid. Two hasp with fasteners (\$20), Two padlocks keyed alike (\$30).

⁴Plastic 24" screw down lid: Albany, NY area supplier(\$60), online supplier (\$70)

⁵Albany, NY area installer: Plastic lid (\$60), 24" replacement riser (\$50 per foot), excavation and labor (\$300-\$400)

⁶Albany, NY area supplier: cast iron lid and rim (\$400 each), Albany, NY area installer: excavation paving and labor (\$700)

⁷Pricing to vary based on site access and geographic location. Albany, NY area fencing company provided a pricing of estimate of \$3,200 and an online retailer material only pricing of \$1,800, installation cost would need to be added.

⁸Pricing will vary widely based on geographic location. DOS reached out to New York State providers and installers of grease interceptors and based the estimate off of the responses to a typical sized grease interceptor for a franchise-style restaurant.

⁹The version of the draft rule posted on the DOS website and contained in the e-bulletin Building New York provided a six-month grace period for existing grease traps or interceptors; however, upon further review of Chapter 47 of the Laws of 2022 signed on February 25, 2022, it was determined that such leeway was not afforded by the statute to existing grease traps or interceptors for compliance.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS.

This rule amends the New York State Uniform Fire Prevention and Building Code ("Uniform Code") by adding specific provisions in relation to the installation, modification, use, and maintenance of grease traps or interceptors. Particularly, the Uniform Code is amended to include provisions requiring that grease traps or interceptors located in a place that may be accessible by the public shall be designed and maintained (1) to

withstand expected loads, (2) to prevent unauthorized access, and (3) to have a warning sign or symbol installed on or in the vicinity of the grease trap or interceptor. This rule is adopted by the State Fire Prevention and Building Code Council (“Code Council”), a council established by Article 18 of the Executive Law. Since the Uniform Code applies in all areas of the State (with the exception of New York City), this rule will apply in all rural areas of the State.

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

This rule will not impose any reporting requirements for local governments. Building owners typically rely on professionals for their expertise in building regulations with respect to the design and installation of grease traps or interceptors. The need for professionals in rural areas does not differ from such need in non-rural areas.

3. COMPLIANCE COSTS.

For many existing facilities, the estimated costs to comply with this rule will be minimal and only include the purchase and installation of a warning sign, or possibly two, for each grease interceptor. These specified signs can be purchased from local sign shops or internet providers for approximately \$40 each.¹ The sign could be mounted to a wall or a signpost, adding approximately \$5 to \$30 in material costs.² The labor cost of installing the signs will vary from location to location, but is expected to take between 10 minutes for mounting the sign on existing walls or up to two hours to install the sign with an anchored signpost and can likely be accomplished by facility staff with no specialized tools or skills required.

Even though some below-grade exterior grease interceptors were installed prior to the Uniform Code requirement to be designed to meet expected loads, and in certain instances the public authority may have required the installation of an exterior grease interceptor, the public authority and the design professional associated with the project would more than likely have ensured that such exterior grease interceptors were designed and installed to withstand expected loads as a standard engineering practice of below grade structures and in accordance with the applicable manufacturer’s installation instructions. The owner of an existing grease interceptor may find it necessary, or be required at the discretion of the Authority Having Jurisdiction, to have their existing exterior grease interceptor evaluated by a design professional or other qualified individual to verify compliance with this rule.

Existing smaller interior below the sink style grease interceptor access covers may not have been required to be secured from unauthorized access by the Uniform Code in effect at the time of installation. Therefore, an additional cost to existing facilities would be to secure the covers of these types of grease interceptors, where such grease interceptor is large enough that unauthorized access poses a health and safety risk to a human being. For some existing interceptors, this can be accomplished by adding two hasps and keyed alike padlocks or other devices requiring a tool to remove the covers, and is estimated to cost \$50 for materials and per lid.³

It is important to note that the current Uniform Code already requires grease interceptors to be maintained, secured, and designed to withstand expected loads; therefore, many of the provisions of this rule would not be considered a new cost. For new grease interceptors installed pursuant to the provisions of this rule, similar to the existing ones noted above, the addition of a sign at the costs noted above will be required and the smaller interior grease interceptors will now need to be secured as noted, where such grease interceptor is large enough that unauthorized access poses a health and safety risk to a human being.

This rule will also emphasize the importance of maintaining these provisions. As a result, some facilities will correct issues that may have been previously overlooked. It is anticipated that the most common issue would be a missing, broken, improperly sized, or unsecured access cover. Exterior below-grade grease interceptors could be located in areas not subject to vehicular loading or in paved areas where vehicle loading is possible. Depending on the location and expected loads, covers may be of either a plastic style or something more durable such as concrete risers with a cast iron frame and cover. A replacement plastic cover would cost approximately \$60 each.⁴ With each exterior below-grade grease interceptor typically having two or three access covers it is still anticipated that the installation of a new replacement cover with screws will be a negligible amount for an authorized facility staff member or a service technician to secure the cover with screws while performing other routine maintenance, provided that the available lids are compatible with the risers. If a riser also needs to be replaced, the cost is estimated to be \$500 to \$600 for non-traffic loaded scenarios.⁵

For facilities with grease interceptors located in traffic locations, the covers are subject to higher loads and have an increased potential for damage due to snow plowing or other types of equipment; resulting in the need for maintenance and repair. New risers and cast-iron lids along with the excavation, backfill, and pavement patching will likely cost \$1,500 for a grease interceptor with two access openings.⁶ Another option allowed by the rule that facilities may choose is to fence or enclose the area with ac-

cess openings. Fencing a 15 by 15-foot area with a 48-inch chain link fence with a 4-foot self-closing gate will cost \$3,200.⁷

The least common but most expensive situation is where the grease interceptor is determined to be incapable of supporting the expected loads and the grease interceptor must be replaced. The cost of materials and installation of two new 1,250-gallon gravity grease interceptors in series is expected to cost between \$15,000 and \$35,000.⁸ Many factors could impact the cost of installation that cannot be readily estimated for all scenarios such as site access, contaminated soils, pavement type, interceptor size, hazardous materials such as asbestos piping, the presence and relocating of other adjacent utilities, and many other site-specific requirements.

Any variation in costs of complying with this rule for different types of public and private entities in rural areas will be attributable to the size of the grease trap or interceptor, and not to the nature or type of such entities or to the location of such entities in rural areas.

4. MINIMIZING ADVERSE IMPACT.

The economic impact of this rule in rural areas will be no greater than the economic impact of this rule in non rural areas, and the ability of individuals or public or private entities located in rural areas to comply with the requirements of this rule should be no less than the ability of individuals or public or private entities located in non-rural areas. Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

5. RURAL AREA PARTICIPATION.

The Department of State (“DOS”) notified interested parties throughout the State of a draft rule that is similar to the rule now being proposed by means of a notice that was posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments, design professionals, and other persons and entities involved in the construction industry in all areas of the State, including rural areas.⁹ The notice was posted, and issued in the Building New York e-bulletin, prior to the filing of the Notice of Adoption for this emergency rule. Additionally, through email, DOS notified the waste haulers who are registered with the Department of Environmental Conservation to haul “Grease Trap Waste” of the development of this rule prior to the filing of the Notice of Adoption of this emergency rule. Many grease trap waste haulers inspect, maintain, and install grease traps and therefore will likely be performing work related to the compliance of this rule.

DOS has posted the full text of this rule on the DOS website.

¹Online retailer: 10” x 14” aluminum custom warning safety sign.

²Simple wall installation including exterior grade screws or anchors (\$5). 4x4 pressure treated post (\$15), exterior grade screws or anchors (\$5), and several bags of concrete (\$10).

³Must check with manufacturer to determine appropriate method to secure lid. Two hasp with fasteners (\$20). Two padlocks keyed alike (\$30).

⁴Plastic 24” screw down lid: Albany, NY area supplier(\$60), online supplier (\$70)

⁵Albany, NY area installer: Plastic lid (\$60), 24” replacement riser (\$50 per foot), excavation and labor (\$300-\$400)

⁶Albany, NY area supplier: cast iron lid and rim (\$400 each), Albany, NY area installer: excavation paving and labor (\$700)

⁷Pricing to vary based on site access and geographic location. Albany, NY area fencing company provided a pricing of estimate of \$3,200 and an online retailer material only pricing of \$1,800, installation cost would need to be added.

⁸Pricing will vary widely based on geographic location. DOS reached out to New York State providers and installers of grease interceptors and based the estimate off of the responses to a typical sized grease interceptor for a franchise-style restaurant.

⁹The version of the draft rule posted on the DOS website and contained in the e-bulletin Building New York provided a six-month grace period for existing grease traps or interceptors; however, upon further review of Chapter 47 of the Laws of 2022 signed on February 25, 2022, it was determined that such leeway was not afforded by the statute to existing grease traps or interceptors for compliance.

Job Impact Statement

The Department of State has determined that this rule will not have a substantial adverse impact on jobs and employment opportunities.

This rule amends the New York State Uniform Fire Prevention and Building Code (“Uniform Code”) by adding specific provisions in relation to the installation, modification, use, and maintenance of grease traps or interceptors. Particularly, the Uniform Code is amended to include provisions requiring that grease traps or interceptors located in a place that may be accessible by the public shall be designed and maintained (1) to withstand expected loads, (2) to prevent unauthorized access, and (3) to have a warning sign or symbol installed on or in the vicinity of the grease trap or interceptor.

Therefore, the Department of State concludes that this rule will not have a substantial adverse impact on jobs and employment opportunities,

but it is anticipated that this rule may have a positive impact on jobs and employment opportunities in New York State with respect to entities that install, service, or remove grease traps or interceptors and entities that produce warning signs.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Education Department		
EDU-13-22-00024-EP	Accelerated due process procedures	<p>Zoom—June 8, 2022, 4:00 p.m. Link: https://zoom.us/j/94999944349?pwd=MDhYbnV3WFR6dHRZU00rakFDR0Yrdz09 Meeting ID: 949 9994 4349 Passcode: 452424 Call In: +1 646 558 8656 US (New York)</p> <p>Zoom—June 15, 2022, 11:00 a.m. Link: https://zoom.us/j/91822156772?pwd=OHJUbjQwV3RPL3JUZXVDOXF4NmZuUT09 Meeting ID: 918 2215 6772 Passcode: 672220 Call In: +1 646 558 8656 US (New York)</p>
EDU-13-22-00028-P	The disability classification “emotional disturbance”	<p>Zoom—April 27, 2022, 4:30 p.m. Link: https://zoom.us/j/91627203714?pwd=U3FVMERETkg5NDJNZDJSQzAyMUo2UT09 Meeting ID: 916 2720 3714 Passcode: LxM5Xw Call in: +19294362866, 91627203714#, *246557# US (New York)</p> <p>Zoom—May 23, 2022, 9:00 a.m. Link: https://zoom.us/j/97521696405?pwd=YTRDaE5PaUZTUWE2Yk5WM0FrdWVzQT09 Meeting ID: 975 2169 6405 Passcode: g5iX4x Call in: +19294362866, 97521696405#, *494917# US (New York)</p>
EDU-13-22-00029-P	Special education due process system procedures	<p>Zoom—June 8, 2022, 3:00 p.m. Link: https://zoom.us/j/94999944349?pwd=MDhYbnV3WFR6dHRZU00rakFDR0Yrdz09 Meeting ID: 949 9994 4349 Passcode: 452424 Call in: +1 646 558 8656 US (New York)</p> <p>Zoom—June 15, 2022, 10:00 a.m. Link: https://zoom.us/j/91822156772?pwd=OHJUbjQwV3RPL3JUZXVDOXF4NmZuUT09 Meeting ID: 918 2215 6772 Passcode: 672220 Call in: +1 646 558 8656 US (New York)</p>
Environmental Conservation, Department of		
ENV-51-21-00003-P	Environmental Remediation Programs	<p>Electronic Webinar—April 7, 2022, 5:30 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 375 by December 22, 2021. The proposed regulations webpage for 6 NYCRR Part 375 may be accessed at: https://www.dec.ny.gov/regulations/propregulations.html</p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9764 and leave a message for Jenn Dawson. Please provide your first and last name, address, and telephone number and reference the Part 375 public comment hearing.</p>

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.

Public Service Commission

PSC-12-22-00010-P Proposed major rate increase in Liberty SLG’s gas revenues
 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.

PSC-13-22-00006-P Proposed major rate increase in Con Edison’s delivery revenues of approximately \$500 million (or 18.2% in total revenues)
 Teleconference—July 6, 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. 22-G-0065.

PSC-13-22-00009-P Proposed major rate increase in Con Edison’s delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues)
 Teleconference—July 6, 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. 22-E-0064.

State, Department of

DOS-14-22-00006-EP New York State Uniform Fire Prevention and Building Code (Uniform Code)
 Department of State, 99 Washington Ave., Albany, NY—June 8, 2022, 10:00 a.m.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

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
ASA-11-22-00006-P	..... 03/16/23	residential services	requirements for the delivery of residential services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
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
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
OCM-13-22-00002-P	03/30/23	Part 116 - Conditional Adult-Use Retail Dispensary	The proposed rule establishes the framework for a subset of retail licenses for the adult-use cannabis program in New York.
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.
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
CVS-13-22-00015-P	03/30/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-22-00016-P	03/30/23	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class.
CVS-13-22-00017-P	03/30/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-22-00018-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-13-22-00019-P	03/30/23	Jurisdictional Classification	To add a subheading and classify positions in the non-competitive class
CVS-13-22-00020-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class and to classify a position in the non-competitive class
CVS-13-22-00021-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-13-22-00022-P	03/30/23	Jurisdictional Classification	To classify positions 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-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.
CCS-14-22-00010-P	04/06/23	Incarcerated Individual Correspondence Program	To further clarify facility mail processing procedures.
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures.	To address volume of special education due process complaints in the New York City due process system
EDU-48-21-00012-ERP	12/01/22	Annual visitation of voluntarily registered nursery schools and kindergartens.	To extend flexibility for the annual visitation of voluntarily registered nursery schools and kindergartens to the 2021-2022 SY.
EDU-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.
EDU-13-22-00024-EP	06/15/23	Accelerated due process procedures.	To implement Chapter 812 of the Laws of 2021.
EDU-13-22-00025-P	03/30/23	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-13-22-00026-P	03/30/23	Admission Requirements for Graduate-level Teacher and Educational Leadership Programs.	To align such admission requirements with Chapter 630 and 626 of the Laws of 2021.
EDU-13-22-00027-P	03/30/23	Instructional Hour COVID-19 Waiver	To extend the instructional hour COVID-19 waiver to the 2022-23 school year.
EDU-13-22-00028-P	05/23/23	The disability classification “emotional disturbance.”	To rename such disability classification to “emotional disability.”
EDU-13-22-00029-P	06/15/23	Special education due process system procedures	See attached.
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00003-P	09/29/22	Required Debates for Statewide Candidates Participating in the Public Campaign Finance Program	Outlines Debate Requirements for Statewide Candidates Participating in the Public Campaign Finance Program
SBE-46-21-00001-P	11/17/22	Public Campaign Finance Board's Enforcement Procedure	Relates to how the Public Campaign Finance Board will enforce the public campaign finance provisions of the Election Law
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-16-21-00012-P	04/21/22	Regulations governing whelk management	To protect immature whelk from harvest and establish gear and reporting rules for marine resource protection and public safety
ENV-22-21-00001-EP	06/02/22	Peekamoose Valley Riparian Corridor	Protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor
ENV-24-21-00008-P	08/17/22	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-24-21-00009-P	08/17/22	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598 ,599 and replace with new Part 598; and amend existing Part 597; for the CBS program
ENV-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-51-21-00003-P	04/07/23	Environmental Remediation Programs	To amend 6 NYCRR Part 375, Environmental Remediation Programs.
ENV-14-22-00005-P	04/06/23	Amendments to New York State spring turkey hunting regulations	To increase hunting opportunities in Wildlife Management Unit 1C and to modernize allowable take methods

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	..... exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-42-21-00011-P	..... 10/20/22	DISCLOSURE REQUIREMENTS FOR CERTAIN PROVIDERS OF COMMERCIAL FINANCING TRANSACTIONS	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	..... 11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses.
DFS-47-21-00006-P	..... 11/24/22	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To hold insurers, plans and HMOs responsible for inaccurate provider directory information and replies to insureds' inquiries.
DFS-50-21-00016-P	..... 12/15/22	Debt Collection by Third-Party Debt Collectors and Debt Buyers	To clarify and modify standards for debt collection practices in New York
DFS-09-22-00018-P	..... 03/02/23	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To provide additional minimum standards for the content of health insurance identification cards in accordance with Federal law
DFS-11-22-00001-P	..... 03/16/23	Separate Accounts and Separate Account Contracts	To establish standards for separate accounts and separate account contracts.
DFS-14-22-00004-P	..... 04/06/23	Rules Governing the Procedures for Adjudicatory Proceedings Before the Department of Financial Services	To specify that administrative hearings are held by videoconference unless determination is made to hold the hearing in-person
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.
SGC-13-22-00001-P	..... 03/30/23	Removing the requirement to couple entries with jockeys with relationships among them or with other participants in the race.	To enhance the integrity and safety of thoroughbred horse racing.
SGC-13-22-00003-P	..... 03/30/23	Regulation of charitable gaming games of chance.	To conform games of chance rules to current statutes and improve operations.
SGC-13-22-00004-P	..... 03/30/23	Regulation of charitable gaming raffles.	To conform raffles rules to current statutes and improve operations.
SGC-13-22-00005-P	..... 03/30/23	Racing license hearing requests and service methods.	To enhance the fairness and efficiency of adjudicatory proceedings.
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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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.
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LABOR, DEPARTMENT OF			
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
*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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MENTAL HEALTH, OFFICE OF			
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
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-04-22-00007-P	01/26/23	Reportable Incidents	To remove administration of medical cannabis from the list of reportable incidents

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-22-00004-EP	02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-09-22-00005-P	03/02/23	Administrative Compensation	To repeal Part 645 as Executive Order 38 has sunset
PDD-10-22-00010-EP	03/09/23	Training Flexibilities	To provide flexibility in training requirements
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 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with its 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 its 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

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

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PUBLIC SERVICE COMMISSION			
*PSC-05-10-00008-P exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*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

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PUBLIC SERVICE COMMISSION			
*PSC-25-10-00012-P exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on 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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
*PSC-42-20-00008-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-51-20-00009-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.
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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 Conring's gas delivery revenues of approximately \$5.8 million (20.4% in total revenues).
PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators in New York State.
PSC-36-21-00006-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-43-21-00008-P	..... exempt	Incremental demand side management programs.	To consider proposed demand side management programs and cost recovery.
PSC-44-21-00010-P	..... exempt	Petition to enter a long term loan agreement and to institute a surcharge for recovery.	To determine if the issuance of long term debt and a surcharge mechanism for recovery is in the public interest.
PSC-44-21-00012-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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-50-21-00014-P	..... exempt	Submetering of electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency measures are in place.
PSC-51-21-00010-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-52-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-52-21-00009-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 of street 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-01-22-00012-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-02-22-00004-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-02-22-00005-P	..... exempt	The electric utilities' 2022 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2022 Electric Emergency Response Plans.
PSC-02-22-00006-P	..... exempt	Green gas products.	To consider whether to extend the waiver permitting Family Energy, Inc. to serve existing customers on a green gas product.
PSC-02-22-00007-P	..... exempt	Proposed changes to Rider Z - SC 1 Innovative Pricing Pilot and Rider AA - SC 2 Innovative Pricing Pilot.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-22-00006-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$500 million (or 18.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-13-22-00007-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for the construction of utility plant, refinancing maturing debt and other capital needs.
PSC-13-22-00008-P	..... exempt	Pole attachment rates.	To provide just and reasonable pole attachment rates.
PSC-13-22-00009-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-13-22-00010-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To determine whether to authorize the waiver request while ensuring consumer and energy efficiency protections are in place.
PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020.	To consider a rehearing petition.
PSC-13-22-00012-P	..... exempt	Issuance of securities and other forms of indebtedness.	To provide funding for the construction of utility plant, refinancing maturing debt and other capital needs.
PSC-13-22-00013-P	..... exempt	Pole attachment rates.	To provide just and reasonable pole attachment rates.
PSC-13-22-00014-P	..... exempt	Petition to develop and construct local transmission projects and to allocate and defer associated costs.	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals.
PSC-14-22-00007-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program.	To establish the program rules for offering community distributed generation on and opt-out basis in New York State.
PSC-14-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a solar electric generating and battery storage facility.	To ensure appropriate regulation of a new electric corporation.

STATE, DEPARTMENT OF

DOS-14-22-00006-EP 06/08/23	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add provisions relating to grease traps or interceptors
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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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
TDA-13-22-00023-P	..... 03/30/23	See attached Addendum #1	See attached Addendum #2
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

SECURITIES OFFERINGS

STATE NOTICES

Published pursuant to provisions of General Business Law
[Art. 23-A, § 359-e(2)]

DEALERS; BROKERS

Adley Luxe Associates, L.P.
751 Arbor Way, Suite 210, Blue Bell, Pennsylvania 19422
Partnership — Adley Luxe General, LLC

AG ABC Structured Note, L.P.
clo Angelo Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Asset Based Credit GP, LLC

AG Asia Real IV Co-Investment 2, L.P.
clo Angelo Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG Asia IV LLC

Compagnie de Saint-Gobain
12 Place De L'Iris, Courbevoie, France 92400
State or country in which incorporated — France

Cor3 (Hayden Park) Ventures, LLC
16150 SW Upper Boones Ferry Rd., Portland, OR 97224
State or country in which incorporated — Delaware

CX Foundry Yards, DST
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609
State or country in which incorporated — Delaware

Dalia, Inc.
214 N. 11th St., Brooklyn, NY 11211
State or country in which incorporated — Delaware

Galway Leadership Holdings, LLC
One California St., Suite 400, San Francisco, CA 94111
State or country in which incorporated — Delaware

Galway MAI Holdings, LLC
One California St., Suite 400, San Francisco, CA 94111
State or country in which incorporated — Delaware

Galway Officer Holdings, LLC
One California St., Suite 400, San Francisco, CA 94111
State or country in which incorporated — Delaware

GreenPark Sports, Inc.
1290 Howard Ave., Suite 320, Burlingame, CA 94010
State or country in which incorporated — Delaware

Idelic Inc.
Two Allegheny Center, Suite 400, Pittsburgh, PA 15212
State or country in which incorporated — Delaware

Minerva 1894 L.P.
50 Monument Rd., Suite 201, Bala Cynwyd, PA 19004
Partnership — Minerva 1894 GP, LLC

Niche Holding, LLC
2167 E. 21st St., Brooklyn, NY 11229
State or country in which incorporated — Florida

Nuveen Securities, LLC
333 W. Wacker Dr., Chicago, IL 60606-1286
State or country in which incorporated — Delaware

Pines of Lanier, LP
13871 CR 1567, Ada, OK 74820
State or country in which incorporated — Georgia

Santa Lucia Company, L.P.
301 N. Palm Canyon Dr., Suite 103, Palm Springs, CA 92262
Partnership — TSC Santa Lucia GP, INC.

Variant Impact Fund
235 W. Galena St., Milwaukee, WI 53212
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

PROVIDE
SALT STORAGE BUILDING
Department of Transportation Region 7
Cranberry Lake, St. Lawrence County

Sealed bids for Project Nos. 47102-C and 47102-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Building- Cranberry Lake, DOT Region 7, St. Lawrence County, 7045 State Highway 3, Cranberry Lake (St. Lawrence 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, 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 \$32,700 for C and \$7,700 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 \$500,000 and \$1,000,000 for C and between \$50,000 and \$100,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are 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 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 167 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on March 30, 2022 at 7045 State Highway 3, Cranberry Lake, NY 12927. 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 Megan Miller (315-960-1229) 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. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency
Services
1220 Washington Ave.
State Office Bldg. Campus
Bldg. 7A
Albany, NY 12242

COUNTY GOVERNMENTS WITHIN NEW YORK STATE OR
NEW YORK CITY

2022 Statewide Interoperable Communications Targeted Grant Program

The 2022 Statewide Interoperable Communications Targeted Grant Program is a non-competitive grant program for counties and New York City, as a single entity, (hereafter “Counties” or “Applicant”) to close gaps in the interoperability infrastructure, regional communications deficiencies, and implementation of National Interoperability channels.

The goal of the 2022 SICG-Targeted program is to improve the overall status of land mobile radio interoperability for public safety agencies within New York as well as with other States, through implementing a targeted approach.

To be eligible to apply for and receive grant funding, applicants must: Be a county government within New York State or New York City requesting funding for the benefit of the county as a single entity. Applications must be submitted by a county government. (The five boroughs which comprise New York City [Bronx, Kings, Queens, New York and Richmond] must apply as a single entity.) Be an active member of, or demonstrate a commitment to, at least one New York State Regional Interoperable Communications Consortium. Further standards will be outlined within the Grant RFA posting.

The 2022 SICG Targeted Program has a total of \$62,427,798 in funding available for Counties to improve infrastructure related to National Interoperability channels, as well as certain proposals for communications network connectivity/backhaul within and between consortiums/regions proposals which are core tenets to improve interoperability between them. Funding will be applied or distributed to eligible Applicants, those of which were identified as areas with insufficient coverage and/or insufficient infrastructure of National Interoperability Channels. The maximum available award is \$6 million.

The State Division of Homeland Security and Emergency Services will review applications and provide technical assistance to applicants as requested.

Applications will be accepted until May 11th, 2022, at 5:00pm, through the DHSES electronic grants management system (E-Grants).

For the Request for Applications (RFA) please visit the DHSES website at <https://www.dhSES.ny.gov/statewide-interoperable-communications-grant-targeted-sicg> or contact DHSES’s Grant Hotline at (866) 837-9133.

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

Greene County Notice of Final Request for Proposals (RFP)

NOTICE IS HEREBY GIVEN, that sealed proposals are sought and requested by the County of Greene for the performance of the following contract, according to terms of the RFP:

PROPOSAL FOR THE SOLID WASTE TRANSPORTATION AND DISPOSAL CONTRACT

Greene County is soliciting proposals for Solid Waste Transportation and Disposal Contractor(s). Prospective Respondents must offer a proposal that will meet the scope of services, qualifications and general description of work activities identified in this RFP.

The draft RFP was made available on January 31, 2022. The draft RFP was issued pursuant to the provisions of New York General Municipal Law § 120-w. Greene County solicited comments and questions on the draft by March 17, 2022. Responses to the questions that were received have been incorporated into a final RFP.

Requests for the final RFP should be directed to solidwaste@discovergreene.com. In addition, the final RFP will be on file at the Greene County Clerk's Office, 411 Main St #212, Catskill, NY 12414.

Final RFP submissions from Respondents must be received by April 30, 2022 in accordance with the specifications contained within the final RFP.

For further information contact: Scott Templeton, Greene County Solid Waste Superintendent, Greene County Solid Waste Management, 240 W. Main St., P.O. Box 485, Catskill, NY 12414, email: STempleton@DiscoverGreene.com

PUBLIC NOTICE

Oneida-Herkimer Solid Waste Authority Request for Proposals for Landfill Gas Utilization at Oneida-Herkimer Regional Landfill

Pursuant to New York State General Municipal Law, Section 120-w, the Oneida-Herkimer Solid Waste Authority (Authority) hereby gives notice of the following:

The Authority is requesting proposals from developers that are interested in utilizing all or a portion of collected landfill gas at the Authority's Regional Landfill site, NYS Route 294, Ava, NY. The Request For Proposals (RFP) seeks to solicit technical, business and cost proposals from qualified firms who would potentially finance, design, permit, construct and operate a facility for the term of the project. This RFP is being issued by the Authority in accordance with the provisions of Section 120-w of the General Municipal Laws of New York State.

The Authority does not discriminate because of race, creed, color, national origin, sex, age, disability or marital status. All qualified respondents will be afforded equal opportunities without discrimination. Furthermore, the Authority invites certified Minority and Women-Owned Business Enterprises (M/WBE) participation in this RFP. Firms that are not M/WBEs responding to this RFP are strongly encouraged to consider partnering, or creating other similar joint venture arrangements, with certified M/WBEs and to give M/WBEs the opportunity to participate in responding to this RFP. The directory of New York State M/WBEs can be viewed at <http://www.esd.ny.gov/mwbe.html>

Responses to the RFP are due to the Authority by 3:00 PM on April 25, 2022.

Copies of the RFP may be obtained at: www.ohswa.org or through the contact: Oneida-Herkimer Solid Waste Authority, Emily M. Albright, Director of Recycling, 1600 Genesee St., Utica, NY 13502

PUBLIC NOTICE

Department of State Notice of Review of Request for Brownfield Opportunity Area Conformance Determination Project: The Arches 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 July 30, 2021, Deegan 135 Realty LLC submitted a request for the Secretary of State to determine whether The Arches 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/2022/03/2021-07-30-final-bo-a-conformance-application-with-attachments-for-deegan-135-realty-llc.pdf>

Comments must be submitted no later than May 6th, 2022 to: Kevin Garrett, Department of State, Office of Planning and Development, 123 William St., 20-163 NY, NY 10038, kevin.garrett@dos.ny.gov

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.

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 May 5, 2022 to: Christopher Bauer, Department of State, Office of Planning and Development, Ellicott Square Building, 295 Main St., 8th Fl., Rm. 821 Buffalo, NY 14203, chris.bauer@dos.ny.gov

PUBLIC NOTICE

Department of State

F-2022-0126

Date of Issuance – April 6, 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-2022-0126, NYC Department of Design and Construction proposes an installation of a large triple barrel storm sewer within a construction corridor that is 84 feet wide. At the northern end of the

project corridor, the proposed triple barrel sewer is to be enclosed by a bulkhead installed in 149th Avenue. The triple barrel sewer would extend southward from the chamber through Idlewild Park, then cross under Rockaway Boulevard and into a channelized reach of Thurston Creek that flows parallel to Rockaway Boulevard. The project location is Springfield Lane/Rockaway Boulevard, Jamaica, Queens County, Thurston Creek.

The stated purpose of the proposed action is to improve stormwater drainage in Southeast Queens and reduce the amount of combined sewer overflow in Jamaica Bay.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0126rockawayblvdthurstoncreek.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 May 6, 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-2022-0165

Date of Issuance – April 6, 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-2022-0165, Waste Management of NY, LLC, is proposing to stabilize the shoreline through the installation of 209 linear feet of new bulkhead outshore of the existing cribbing, as well as 525 linear feet of riprap revetment. The project location is East 132 Street Bronx County, Harlem River.

The stated purpose of the proposed action is to prevent erosion along the shoreline.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0165harlemriveryardbulkhead.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 May 6, 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-2022-0169

Date of Issuance – April 6, 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-2022-0169, Eric Carter, is proposing to rehabilitate a deteriorated gabion seawall and install a 6.75 ft x 112ft timber pier, a 4 ft x 35 ft gangway, an 8 ft x 40.5 ft floating dock and two 16-inch diameter steel pipe piles. The project is located at 503 North Broadway, Village of Upper Nyack, Rockland County, Hudson River.

The stated purpose of the proposed action is to provide safe, resilient access from the property to the owners' boat.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0169nbroadwaynyack.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 May 6, 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-2022-0189 (DA)

Date of Issuance – April 6, 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.

United States Army Corps of Engineers has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0189(DA), The New York District (NAN) United States Army Corps of Engineers (USACE) proposes to perform maintenance dredging of a dredge area in the Hudson River federal navigation project, located in Coeymans (River Mile 132), New York. Based on condition surveys performed between June-July 2021, the proposed maintenance dredging would involve the removal of a combined estimated total of up to 64,000 CY of material from the two dredging areas. The project will be dredged to its authorized depth of -32 feet plus 1 foot of allowable overdepth. The project depth is referenced to the plane of COE Mean Low Water (original project datum). This datum is approximately 2.55 feet below NAVD88. The dredged material would be placed in one previously used and approved upland placement site. This site, commonly referred to as U-3A, is federally

owned and is located on Houghtaling Island, New Baltimore, NY (River Mile 130).

Maintenance dredging of the Hudson River federal navigation projects will be accomplished by a mechanical dredge, or other similar plant. The entire channel will generally not require maintenance dredging; only areas where shoaling has reduced the depth of the channel will require dredging. No in-water work will occur during the following environmental windows for Shortnose sturgeon (*Ascipenser brevirostrum*) and Atlantic sturgeon (*Ascipenser oxyrinchus*): March 1st to September 1st from RM 135 to RM 116.

The purpose of the proposed dredging is to alleviate the effects of shoaling in order to maintain the authorized project dimensions, thereby assuring safe and economical use of the Hudson River by commercial shipping interests. The dredge material has been tested and meets the criteria for confined disposal in the federally owned upland dredged material placement site on Houghtaling Island, New Baltimore, New York.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0189publicnotice.pdf> and at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30-days from the date of publication of this notice, or May 6, 2022.

Comments should be addressed to: 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
Program Change

STATEWIDE — Pursuant to 15 CFR 923, the New York State Department of State (DOS) hereby gives notice that the National Oceanic and Atmospheric Administration's Office for Coastal Management (OCM) concurred on February 23, 2022 on the incorporation of the Town of Bethlehem Local Waterfront Revitalization Program (LWRP) into New York State's Coastal Management Program as a Program Change. As of February 23, 2022, the enforceable policies identified in the Table of Approved Changes below shall be applicable in reviewing federal actions pursuant to the federal consistency requirements of the Coastal Zone Management Act (CZMA) and its implementing regulations found at 15 CFR part 930. DOS requested OCM's concurrence on this action on December 15, 2021, in a previous notice in the New York State Register, which further described the content of the action.

The Town of Bethlehem LWRP was prepared in partnership with DOS and in accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program. The LWRP is a long-term management program for the waterfront resources of the Town along the Hudson River and portions of its tributaries and is based on the policies of the New York State Coastal Management Program. The Town of Bethlehem LWRP provides a detailed inventory and analysis of natural, historic, and cultural resources in the Waterfront Revitalization Area in the Town; describes existing land and water uses, harbor management, and important economic activities; presents issues and opportunities for future development; proposes projects that will implement the goals of the LWRP; and contains enforceable policies to be used for CZMA consistency review purposes.

Pursuant to the New York State Coastal Management Program and Article 42 of the New York State Executive Law, the Town of Bethlehem LWRP was adopted by resolution by the Town of Bethlehem Town Board on March 24, 2021 and approved by the New York State Secretary of State on August 17, 2021.

OCM’s concurrence includes the following list of changes and qualifications:

Table of Approved Changes to the New York Coastal Management Program (NY-2021-3)

Legal citation	Title of policy, section, or other descriptor	Is the change new, revised, or deleted	Date effective in State	Enforceable policy	Enforceable mechanism citation
Not applicable	Town of Bethlehem Local Waterfront Revitalization Program (LWRP)	New	08/17/2021	Yes (Section III only)	Executive Law, Article 42

Qualifications

As with previous approval of NY CMP LWRPs, the enforceable provisions of Section III are only the stated policies and sub-policies. The enforceable policies do not include the explanatory text that accompanies each policy. While the explanatory text may be advisory as to how activities can show consistency with the LWRP policies, the State may not use the explanatory text as a basis for issuing an objection under its CZMA authority. Please also note that for the review of federal actions pursuant to the CZMA, the requirements of the statute and implementing regulations at 15 CFR part 930 are controlling over any conflicting interpretation of the discussion of the CZMA federal consistency requirements within the Town of Bethlehem LWRP.

As a standard qualification applying to all program changes, states may not incorporate enforceable policies by reference. If an approved enforceable policy refers to another statute, regulation, policy, standard, guidance, or other such requirement or document, the referenced policy must be submitted to and approved by the Office for Coastal Management as an enforceable policy in order to be applied under the federal consistency review provisions of the CZMA. No referenced policy may be applied for CZMA federal consistency review purposes unless that policy has been separately reviewed and approved as an enforceable policy by the Office for Coastal Management.

The Town of Bethlehem Local Waterfront Revitalization Program is available at: <https://dos.ny.gov/location/town-bethlehem-local-waterfront-revitalization-program>, the website of the Department of State. *If you have any questions, please contact:* Barbara Kendall, DOS Office of Planning, Development and Community Infrastructure, at Barbara.Kendall@dos.ny.gov

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.

2022-0131 Matter of Donna Harris, 67 Acacia Avenue, Hempstead, NY 11550, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 67 Acacia Avenue, Village of Hempstead, NY 11550, County of Nassau, State of New York.

2022-0132 Matter of Integrity Expediting, Mitch Brendle, 2800 Middle Country Rd., Lake Grove, NY 11755, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 348 Munsell Road, East Patchogue, Town of Brookhaven, NY 11772, County of Suffolk, State of New York.

2022-0133 Matter of LI Permits Expediting Service, Kathleen Mchenry, P.O. Box 5, Center Moriches, NY 11934, for a variance

concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 59 N. Morris Ave., Farmingville, Town of Brookhaven, NY 11738 County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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2022-0134 In the matter of Marcelo Aguiar, 12 The Byway, Ithaca, New York 14850, for a variance concerning code issues for a fire access road to a single family residence, two stories in height, located at 12 The Byway, City of Ithaca, County of Tompkins, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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2022-0135 In the matter of James D’Aliosio P.E. of Klepper, Hahn & Hyatt P.C., 5710 Commos Park Drive, East Syracuse, New York 13057, for a variance concerning code issues for parking garage resurfacing to an existing multistory condominium building, five stories in height, located at 528 Plum Street, City of Syracuse, County of Onondaga, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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2022-0139 Matter of Hugh Schaefer, 174 West Merrick Road, Merrick, NY 11566, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 459 Chester Street, Uniondale, Town of Hempstead, NY 11553, County of Nassau, State of New York.

2022-0140 Matter of John Gleason Architect, John G. Gleason R.A., 336 Sixth Avenue, St. James, NY 11780, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 228 Brookville Avenue, Town of Islip, NY 11751, County of Suffolk, State of New York.

PUBLIC NOTICEDepartment 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.

2022-0141 In the matter of Christopher Anagnost of Christopher George Reale Estate, 418 North Tioga Street, Ithaca, New York 14850, for a variance concerning code issues for handrails and guardrails a two family residence, two stories in height, located at 612 East Buffalo Street, City of Ithaca, County of Tompkins, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

SUMMARY: As part of its regular business meeting held on March 17, 2022, Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATE: March 17, 2022.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also acted upon at the business meeting: (1) approved one grant agreement, a land acquisition agreement and a lease agreement; and (2) accepted staff recommendations for waiver of regulatory requirements related to renewal application deadlines for two projects.

Project Applications Approved:

1. Project Sponsor and Facility: Artesian Water Company, Inc., New Garden Township, Chester County, Pa. Application for renewal of the transfer of water of up to 3.000 mgd (30-day average) from the Chester Water Authority (Docket No. 19961105).

2. Project Sponsor and Facility: Columbia Water Company, West Hempfield Township, Lancaster County, Pa. Applications for groundwater withdrawals (30 day averages) of up to 0.474 mgd from Chickies Well 2 and 0.596 mgd from Chickies Well 3.

3. Project Sponsor and Facility: Commonwealth Environmental Systems L.P., Foster, Frailey and Reilly Townships, Schuylkill County, Pa. Application for renewal of consumptive use of up to 0.150 mgd (peak day) (Docket No. 20070304).

4. Project Sponsor: Compass Quarries, Inc. Project Facility: Allan Myers Materials – Paradise Quarry, Paradise Township, Lancaster County, Pa. Modification to increase consumptive use (peak day) by an additional 0.068 mgd, for a total consumptive use of up to 0.150 mgd (Docket No. 20040608).

5. Project Sponsor: Corning Incorporated. Project Facility: Sullivan Park, Town of Erwin, Steuben County, N.Y. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.800 mgd from Well 2 and 0.800 mgd from Well 3, and consumptive use of up to 0.350 mgd (peak day) (Docket No. 19970705).

6. Project Sponsor and Facility: Coterra Energy Inc. (Meshoppen Creek), Lemon Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20170302).

7. Project Sponsor: County of Lycoming. Project Facility: Lycom-

ing County Resource Management Services, Brady Township, Lycoming County, Pa. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 20070302).

8. Project Sponsor and Facility: Deep Woods Lake LLC, Dennison Township, Luzerne County, Pa. Applications for groundwater withdrawal of up to 0.200 mgd (30-day average) from Well SW-5 and consumptive use of up to 0.467 mgd (peak day).

9. Project Sponsor and Facility: Eagles Mere Country Club, Eagles Mere Borough and Shrewsbury Township, Sullivan County, Pa. Application for renewal of consumptive use of up to 0.120 mgd (peak day) (Docket No. 19970302).

10. Project Sponsor and Facility: EQT ARO LLC (West Branch Susquehanna River), Nippenose Township, Lycoming County, Pa. Application for renewal of surface water withdrawal of up to 0.720 mgd (peak day) (Docket No. 20170301).

11. Project Sponsor: Farmers Pride, Inc. Project Facility: Bell & Evans Plant 3, Bethel Township, Lebanon County, Pa. Applications for groundwater withdrawals (30-day averages) of up to 0.108 mgd from Well PW-1, 0.139 mgd from Well PW-2, and 0.179 mgd from Well PW-4.

12. Project Sponsor and Facility: Geisinger Health System, Mahoning Township, Montour County, Pa. Applications for renewal of consumptive use of up to 0.499 mgd (peak day) and groundwater withdrawal of up to 0.075 mgd (30-day average) from Well 3, as well as recognizing, assessing, and regulating historical withdrawals from the Mine Shaft Well (Docket No. 19910103).

13. Project Sponsor: Hampden Township. Project Facility: Armitage Golf Club, Hampden Township, Cumberland County, Pa. Application for renewal of consumptive use of up to 0.290 mgd (peak day) (Docket No. 19920101).

14. Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, Pa. Application for renewal of groundwater withdrawal of up to 0.117 mgd (30-day average) from Well 14 (Docket No. 19930301).

15. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Sugar Creek), West Burlington Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20170308).

Project Scheduled for Action Involving a Diversion:

1. Project Sponsor and Facility: Chester Water Authority, New Garden Township, Chester County, Pa. Applications for renewal of consumptive use and for an out-of-basin diversion of up to 3.000 mgd (30-day average) (Docket No. 19961104).

Project Tabled:

17. Project Sponsor and Facility: Municipal Authority of the Township of East Hempfield dba Hempfield Water Authority, East Hempfield Township, Lancaster County, Pa. Applications for renewal of groundwater withdrawals (30 day averages) of up to 0.353 mgd from Well 6, 0.145 mgd from Well 7, 1.447 mgd from Well 8, and 1.800 mgd from Well 11, and Commission-initiated modification to Docket No. 20120906, which approves withdrawals from Wells 1, 2, 3, 4, and 5 and Spring S-1 (Docket Nos. 19870306, 19890503, 19930101, and 20120906).

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806, 807, and 808.

Dated: March 21, 2022

Jason E. Oyler

General Counsel and Secretary to the Commission

