
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on July 17, 2022
- the 45-day period expires on July 2, 2022
- the 30-day period expires on June 17, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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

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

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Department of Audit and Control

NOTICE OF ADOPTION

Electronic Contact

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

Filing No. 330

Filing Date: 2022-05-03

Effective Date: 2022-05-18

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

Action taken: Addition of Part 125 to Title 2 NYCRR.

Statutory authority: Abandoned Property Law, section 1414

Subject: Electronic Contact.

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

Text or summary was published in the March 2, 2022 issue of the Register, I.D. No. AAC-09-22-00003-P.

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

Text of rule and any required statements and analyses may be obtained from: Marcella Buell, Office of the State Comptroller, 110 State Street, Albany, NY 12236, (518) 473-4138, email: mbuell@osc.ny.gov

Assessment of Public Comment

The agency received no public comment.

Department of Corrections and Community Supervision

EMERGENCY RULE MAKING

Disposition for Violations of the Conditions of Release

I.D. No. CCS-08-22-00007-E

Filing No. 333

Filing Date: 2022-05-03

Effective Date: 2022-05-03

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

Action taken: Amendment of sections 8002.6, 8003.2, Parts 8004, 8005 and 8006 of Title 9 NYCRR.

Statutory authority: Executive Law, sections 259-c(1), (2), (6), (11) and 259-i

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

Specific reasons underlying the finding of necessity: The State of New York's parole revocation process impacts the liberty of releasees and has significant effects on public safety. That process is detailed through provisions of the Executive Law and regulations promulgated by the Board. Among other things, these rules ensure the process is consistent with the due process clause and that releasees and other interested parties have appropriate notice of the procedures and possible sanctions. Because the Less is More Act has changed material terms of applicable statutory provisions and has made such changes effective as of a date which does not allow for the normal rule proposal process, the emergency adoption of these rules is necessary to ensure the State continues to meet its obligations to public safety and to provide due process to the releasees accused of violating their conditions of release.

Subject: Disposition for violations of the conditions of release.

Purpose: To bring Board regulations into compliance with recent amendments to the Executive Law.

Substance of emergency rule (Full text is posted at the following State website: <https://doccs.ny.gov/rules-regulations>): The Board of Parole proposes a series of amendments, replacements and additions to its regulations relevant to parole supervision and the parole revocation process to accord with legislation passed within this past year concentrated on those issues. The Board proposes amendment to 9 N.Y.C.R.R. section 8002.6(a) and (b) that will specify how time assessments imposed in a parole revocation case will commence and be credited, and that they are to run concurrently within the same case. Modifications to the standard conditions of release in 9 N.Y.C.R.R. section 8003.2 are proposed pertaining to absconding from supervision and which adds a condition requiring a releasee's appearance at parole revocation proceedings. Amendments proposed for 9 N.Y.C.R.R. section 8004.1 include, in part, definitions for violations of the conditions of release as either "non-technical" or "technical".

The Board proposes repeal and replacement of 9 N.Y.C.R.R. sections 8004.2 and 8004.3, and new 9 N.Y.C.R.R. sections 8004.4, 8004.5, 8004.6, 8004.7, 8004.8, 8004.10 and 8004.11, which changes will collectively detail various aspects of the parole revocation process including such matters as when a report of violative conduct to the Board is required, requirements related to a notice of violation, delineation of technical violations

for which reincarceration is possible versus those for which it is not, and parole warrant issuance. Some of the sections addressed in these proposals have content in existing regulations but which has been reorganized for continuity of presentation. New 9 N.Y.C.R.R. section 8004.9 is proposed to address the subject of recognizance hearings, which will now be required when a releasee is arrested on a parole violation warrant and are to be conducted in a court of law.

The Board proposes changes to 9 N.Y.C.R.R. Part 8005, which addresses parole revocation hearings and the dispositions therefrom. Amendments to 9 N.Y.C.R.R. sections 8005.7 and 8005.19 are included to reflect a change in the burdens of proof to preponderance of the evidence and clear and convincing evidence at the preliminary and final revocation hearings, respectively. The Board is also proposing changes to 9 N.Y.C.R.R. sections 8005.6 and 8005.17, which concern the scheduling of preliminary and final hearings respectively. These revisions accommodate the changes made by the legislation to the parole revocation process timeline including the timeframe in which these hearings are to be arranged, and they also address the location of such hearings which in cases where the alleged violator is not in custody is presumptively to be a courthouse, except that where a courthouse is not reasonably available, then another location, such as an office that is not a correctional facility, may serve as the hearing site. The Board proposes the repeal and replacement of 9 N.Y.C.R.R. section 8005.3, to have new content addressing revocation hearings generally, whereas more ministerial and miscellaneous amendments are proposed for 9 N.Y.C.R.R. sections 8005.2, 8005.4, 8005.5, 8005.15, and 8005.16. Amendment to 9 N.Y.C.R.R. section 8005.18 is proposed to fully complement the notice requirements concerning the final revocation hearings.

The Board proposes that 9 N.Y.C.R.R. section 8005.20 be repealed and replaced to account for the new burdens of proof and to provide for the corresponding dispositions available in the new classifications of cases as "technical" and "non-technical". The available dispositions reflect those detailed in the amended Executive Law, including the limitations placed on technical violations. For example, the available time assessments for absconding from supervision violations are now reflected as up to seven days for a releasee's first act of absconding, up to fifteen days for their second absconding violation, and no more than thirty days reincarceration for their third or any subsequent absconding from supervision. Restoration to supervision remains an available disposition for a case of any type.

It is proposed that 9 N.Y.C.R.R. section 8005.21 be repealed and replaced to formalize the allowance for certain nonprofit service providers to be present at revocation hearings, while contents of the existing section 8005.21 would, with slight modification, be shifted to a new section 8005.22.

Furthermore, the Board proposes changes to 9 N.Y.C.R.R. Part 8006, which contains those sections addressing the administrative appeal process. While there are relatively minor amendments proposed for 9 N.Y.C.R.R. sections 8006.2, 8006.3 and 8006.4, amendments to 8006.1 are proposed that would additionally account for a newly created Executive Law section that permits a direct appeal to a court of law from a sustained charge alleging a non-technical violation based upon conduct that would constitute the commission of a misdemeanor or felony.

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. CCS-08-22-00007-EP, Issue of February 23, 2022. The emergency rule will expire July 1, 2022.

Text of rule and any required statements and analyses may be obtained from: Kathleen Kiley, Esq., Department of Corrections and Community Supervision, 1220 Washington Avenue, Albany, New York 12226, (518) 473-5671, email: Rules@Doccs.ny.gov

Regulatory Impact Statement

1. **Statutory Authority:** Section 259-c(11) of the New York Executive Law authorizes the New York State Board of Parole to "make rules for the conduct of its work, a copy of such rules and of any amendments thereto to be filed by the chairman with the secretary of state". Executive Law § 259-c(1) and (2) empower the Board to determine the conditions of release of those individuals released to community supervision under the jurisdiction of the Department of Corrections and Community Supervision. Pursuant to sections 259-c(6) and 259-i(3) of the Executive Law, the Legislature has conferred upon the Board the exclusive authority to revoke the parole, conditional release or post-release supervision status of any such person, to authorize the issuance of warrants to retake and detain such individuals and to determine their re-release to supervision, based upon violations of the conditions of release. Pursuant to section 259-i(4) of the Executive Law, the Board provides for a process for the administrative appeal of revocation determinations. The Board is further authorized to promulgate any rules necessary for the implementation of the amendments made to the Executive and Penal Laws by the Less is More Act ("LIMA") (Chapter 427 of the Laws of 2021) prior to its effective date pursuant to Section 10 of that act.

2. **Legislative Objectives:** Executive Law §§ 259-c(6) and 259-i(3) confer upon the Board the exclusive authority over determinations of whether to revoke the release status of individuals subject to community supervision under the jurisdiction of the Department of Corrections and Community Supervision and provide for a range of authorized dispositions. Executive Law § 259-i(3) establishes the basic parameters of the parole revocation process. LIMA materially alters the provisions governing the authorized dispositions for parole revocation cases. The emergency rulemaking, consistent with the Board's rulemaking authority under Executive Law § 259-c(11), will amend the relevant rules and add new provisions to ensure that they are consistent with the provisions of LIMA.

3. **Needs and Benefits:** Executive Law § 259-i(3) establishes the basic parameters and due process rights associated with the parole revocation process, including the range of available dispositions. The Board has implemented these statutory provisions in Parts 8002, 8004 and 8005 of Title 9 of the NYCRR. The administrative appeal of the resulting adjudications is governed by section 259-i(4) of the Executive Law and implemented in Part 8006 of Title 9 of the NYCRR. The purpose of these rules is to provide for the substantive procedure applicable to a releasee accused of a violation of the conditions of release and to provide notice to such releasee of such procedure and its consequences. To the extent certain provisions of LIMA will take effect upon a date which will not afford time to comply with the proposal process, these rules will ensure the State of New York affords a legally authorized adjudication process to litigants and provides notice of such process and the possible dispositions resulting from such process to litigants and other interested parties.

The amendments to 9 NYCRR §§ 8002.6 and 8004.1 provide for the computation of time assessments, which determines when an individual reincarcerated as a result of an adjudicated violation of release disposition is eligible for re-release, consistent with the provisions of LIMA. Section 8004.1 further introduces definitions for terms describing categories of violation created by LIMA which have a material effect on the character and scope of legally authorized dispositions while new sections 8004.6, 8004.7 and 8004.8 provide further detail on these categories of violation and amendments to section 8003.2 revise the standard conditions of release in light of these changes. The addition of 9 NYCRR §§ 8004.6, 8004.7, 8004.8 and the repeal and replacement of 9 NYCRR § 8005.20 provide for a sanction scheme and a process for the imposition of such sanctions which is consistent with the provisions of LIMA. Amendments to sections 8004.2, the repeal and replacement of section 8004.3, and new sections 8004.4, 8004.5, 8004.9, 8004.10 and 8004.11 address changes to the process by which a violation proceeding is commenced and the new recognizance hearing required by LIMA. The amendments to Part 8005 alter the revocation hearing process and the penalties which may result in a manner consistent with LIMA. The amendments to Part 8006 revise the process for the administrative appeal of revocation determinations to harmonize current practice with the new appeal entitlements provided by LIMA.

4. **Costs:** These rules will not impose any costs beyond those already experienced.

5. **Paperwork:** These regulatory changes do not impose any new or additional paperwork requirements on regulated parties.

6. **Local Government Mandates:** These regulatory changes do not impose any obligations on local governments.

7. **Duplication:** These regulatory changes will not duplicate any existing state or federal rule.

8. **Alternatives:** Because this rulemaking governs the procedures and guidelines applied by the Board and its hearing officers and employees in a quasi-adjudicatory function, there are no alternatives other than to amend the regulations.

9. **Federal Standards:** There are no federal standards.

10. **Compliance Schedule:** This rulemaking will be effective upon publication of the notice of emergency adoption.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Business and Local Government is not being submitted with this notice, for the rule changes will have no adverse impact upon small businesses and local governments, nor do the rule changes impose any reporting, recordkeeping or other compliance requirements upon small businesses and local governments. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with this notice, for the rule changes will have no adverse impact upon rural areas, nor do the proposed rules impose any reporting, recordkeeping or other compliance requirements upon rural areas. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Job Impact Statement

A Job Impact Statement is not being submitted with this notice, for the rule changes will have no adverse impact upon jobs or employment opportunities, nor do the proposed rules impose any reporting, record keeping or other compliance requirements upon employers. The proposed rules only affect the practices of the Board of Parole and its officers and employees in setting conditions of release to community supervision and adjudicating violations thereof.

Department of Economic Development

NOTICE OF ADOPTION

Post Production Tax Credit Program

I.D. No. EDV-05-22-00007-A
Filing No. 323
Filing Date: 2022-04-27
Effective Date: 2022-05-18

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

Action taken: Amendment of section 230.2(c) of Title 5 NYCRR.

Statutory authority: L. 2010, ch. 57, part Q

Subject: Post Production Tax Credit program.

Purpose: Update regulations to clarify the taxable year in which a credit is allowable.

Text or summary was published in the February 2, 2022 issue of the Register, I.D. No. EDV-05-22-00007-P.

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

Text of rule and any required statements and analyses may be obtained from: Jillian Diaz Cringle, Department of Economic Development, 625 Broadway, Albany, NY 12245, (518) 292-5110, email: jillian.cringles@esd.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

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

Regulations Governing Recreational Fishing of Summer Flounder

I.D. No. ENV-20-22-00001-EP
Filing No. 324
Filing Date: 2022-04-28
Effective Date: 2022-04-28

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

Proposed Action: Amendment of Part 40 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 13-0105 and 13-0340-B

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

Specific reasons underlying the finding of necessity: This rule making is necessary to allow for an increase in the harvest of summer flounder for the 2022 recreational fishing season. The new regulations were developed in response to actions taken by the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC) to increase the recreational harvest limit for summer flounder. The Department of Environmental Conservation is adopting these changes to maintain compliance with ASMFC and MAFMC management plans for summer flounder and to maximize recreational and economic benefits for New York’s summer flounder fishery.

The ASMFC Fishery Management Plan for summer flounder requires that New York’s regulations be consistent with management measures implemented by the State of Connecticut, which is in the same ASMFC management region as New York. Connecticut has already adopted these measures.

The normal rule making process would not promulgate these regulations in time for the start of the recreational fishing season on May 1, 2022.

Subject: Regulations governing recreational fishing of summer flounder.

Purpose: To revise regulations concerning the recreational harvest of summer flounder in New York State.

Text of emergency/proposed rule: Subdivision 40.1(f) is amended to read as follows:

The table entry for species “Summer flounder” is amended to read as follows:

40.1(f) Table A – Recreational Fishing.

Species	Open Season	Minimum Length	Possession Limit
Summer flounder	[May 4 – Sept. 30] May 1 – Oct. 9	[19”] 18.5” TL	4

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 July 26, 2022.

Text of rule and any required statements and analyses may be obtained from: Rachel Sysak, Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, New York 11754, (631) 444-0469, email: rachel.sysak@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 ECL, the State Environmental Quality Review Act, a Coastal Assessment Form and a Short Environmental Assessment Form with a negative declaration have been prepared, and are on file with the Department.

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) §§ 11-0303, 13-0105, and 13-0340-b authorize the New York State Department of Environmental Conservation (DEC) to establish by regulation the open season, size, catch limits, possession and sale restrictions, and manner of taking for summer flounder.

2. Legislative objectives:

It is the objective of the above-cited legislation that DEC manages marine fisheries to optimize resource use for recreational harvesters in a manner that is consistent with marine fisheries conservation and management policies and interstate fishery management plans.

3. Needs and benefits:

The proposed regulations were developed in response to the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) increasing the recreational harvest limit for summer flounder in 2022. The proposal addresses the increase to the recreational harvest limit for summer flounder by lowering the minimum size limit for summer flounder from 19 inches to 18.5 inches in length and extending the fishing season to add 3 days in May (May 1 – 3) and 9 days in October.

The ASMFC Fishery Management Plan for summer flounder requires that New York’s regulations be consistent with management measures implemented by the State of Connecticut, which is in the same ASMFC management region as New York. Connecticut has already adopted these measures.

Emergency rule making is necessary for New York to increase harvest opportunities for summer flounder by the new opening date of the recreational fishing season on May 1, 2022. These changes will allow

party and charter boat businesses to take advantage of the opportunity to offer additional summer flounder fishing trips. DEC is adopting these changes to maintain compliance with ASMFC and MAFMC management plans for summer flounder and to maximize recreational and economic benefits for New York's summer flounder fishery.

4. Costs:

There are no new costs to state and local governments from this action. DEC will incur limited costs associated with both the implementation and administration of these rules, including costs relating to notifying recreational fishers, party and charter boat operators, and other recreational fishing associated businesses of the new rules.

5. Local government mandates:

The proposed rule does not impose any mandates on local government.

6. Paperwork:

None.

7. Duplication:

The amendment does not duplicate any state or federal requirement.

8. Alternatives:

New York State marine recreational fishers had an opportunity to comment on these new recreational fishing measures for summer flounder, including the measures proposed in this rulemaking, during the Marine Resource Advisory Council (MRAC) meeting on March 8, 2022. Alternative management measures, which included various combinations of possession limits, size limits, and seasons, were suggested and discussed. While some fishers questioned why measures could not be less restrictive, attendees generally favored the measures included in this rule making when compared to alternative options. The proposed regulations in this rule making were agreed to by consensus of MRAC members on March 8, 2022.

"No action" alternative: If New York were to not adopt these proposed regulations in 2022, New York anglers would be denied the potential benefits of increased recreational summer flounder fishing opportunities. This could result in a loss of potential revenue to for-hire and associated recreational fishing industries.

9. Federal standards:

The amendments to Part 40 comply with the ASMFC and MAFMC's Fishery Management Plans for summer flounder.

10. Compliance schedule:

These regulations are being adopted by emergency rule making and therefore will take effect immediately upon filing with the Department of State. Regulated parties will be notified of the changes to the regulations through publication in the State Register, appropriate news releases, and through the DEC's website.

Regulatory Flexibility Analysis

1. Effect of rule:

This rule making will implement new Atlantic States Marine Fisheries Commission (ASMFC) requirements for recreational summer flounder.

The proposed rules for summer flounder are less restrictive than regulations in place during 2021. In 2021, there were 504 licensed party and charter businesses. Retail and wholesale marine bait and tackle shops operating in New York State may also be affected by this rule making. Data available from the National Oceanic and Atmospheric Administration's 2021 Marine Recreational Information Program estimates that there were 1,961,448 recreational trips targeting summer flounder in New York during 2021. The proposed amendment increases the number of days recreational fishers can fish and decreases the size limit for summer flounder. This will create more recreational fishing opportunities for recreational fishers in New York and could result in an increase in revenue for bait and tackle shops, as well as some party and charter boat businesses.

2. Compliance requirements:

None.

3. Professional services:

None.

4. Compliance costs:

None.

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses to comply with the changes. The proposed regulations add 12 fishing days to the recreational summer flounder season and may increase the income of some party and charter boat businesses, marinas, and marine bait and tackle shops that depend upon the recreational summer flounder fisheries.

6. Minimizing adverse impact:

This rule making is necessary to provide New York summer flounder fishers the benefits of increased harvest opportunities by the start of the summer flounder season and to maintain New York's compliance with the increased summer flounder harvest limits established by the Atlantic States Marine Fisheries Commission (ASMFC). The proposed regulations were developed in response to the ASMFC and Mid-Atlantic Fishery Management Council (MAFMC) increasing the recreational harvest limit for summer flounder in 2022.

Ultimately, the maintenance of long-term sustainable fisheries will have a positive economic effect on the summer flounder fishery, including party and charter boat fisheries, as well as wholesale and retail bait and tackle shops and other support industries for recreational fisheries.

7. Small business and local government participation:

New York State marine recreational fishers had an opportunity to comment on these new recreational fishing measures for summer flounder, including the measures proposed in this rulemaking, during the Marine Resource Advisory Council (MRAC) Meeting on March 8, 2022. Alternative management measures, which included various combinations of possession limits, size limits, and seasons, were suggested and discussed. While some fishers questioned why measures could not be less restrictive, MRAC was in favor of the measures included in this rule making when compared to alternative options. The proposed regulations in this rule making were agreed to by consensus of the MRAC members on March 8, 2018.

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

Pursuant to the State Administrative Procedure Act § 202-b (SAPA), a cure period is not included in the rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure that the general welfare of the public and the resource are both protected.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

The Department of Environmental Conservation will conduct an initial review of the rule within three years as required by SAPA § 207(1)(b).

Rural Area Flexibility Analysis

The Department of Environmental Conservation (DEC) has determined that this rule will not impose any adverse impacts on rural areas. This rule making only affects the Marine and Coastal District of the State; there are no rural areas within the Marine and Coastal District. The summer flounder fishery is entirely located within the Marine and Coastal District and is not located adjacent to any rural areas of the State. The proposed rule will not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. DEC has determined that a Rural Area Flexibility Analysis is not required because no rural areas will be affected by the amendments to 6 NYCRR Part 40.

Job Impact Statement

1. Nature of impact:

This rule making will afford New York summer flounder fishers and the associated industry the benefits of increased harvest opportunities by amending Part 40 to: a) lower the minimum size limit for summer flounder from 19 inches to 18.5 inches in length; and b) extend the fishing season to add 3 days in May (May 1 – 3) and 9 days in October.

2. Categories and numbers affected:

In 2021, there were 504 licensed party and charter businesses. Retail and wholesale marine bait and tackle shops operating in New York State may also be affected by this rule making. Data available from the National Oceanic and Atmospheric Administration's (NOAA) 2021 Marine Recreational Information Program estimates that there were 1,961,448 recreational trips targeting summer flounder in New York during 2021. These statistics do not include federally permitted commercial vessels operating out of New York State. NOAA's 2017 report on The Economic Contribution of Marine Angler Expenditures on Durable Goods in the United States estimates that recreational angler expenditures contributed 5,739 jobs to the state's economy and \$473 million to the state's gross domestic product.

3. Regions of adverse impact:

The proposed regulation is less restrictive than rules in place for the 2021 fishing season and should not result in any adverse impacts.

4. Minimizing adverse impact:

The proposed regulation is less restrictive than rules in place for the 2021 fishing season and should not result in any adverse impacts jobs or employment opportunities.

5. Self-employment opportunities:

Party and charter boat businesses, bait and tackle shops, and marinas are, for the most part, small businesses, owned and often operated by a single owner. The recreational fishing industry is mostly self-employed. This rule will likely have a positive effect upon businesses related to the recreational harvest of summer flounder by providing more opportunities to fish for summer flounder and increasing the chances of encountering a legal-size summer flounder by lowering the minimum size limit.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462:

The department will conduct an initial review of the rule within three years as required by SAPA § 207(b).

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

Solid Waste Management Regulations

I.D. No. ENV-20-22-00003-P

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

Proposed Action: Amendment of Parts 360, 361, 362, 363, 364, 365, 366, 369, 371 and 377 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, arts. 27 and 54

Subject: Solid Waste Management Regulations.

Purpose: Amend the rules that implement the solid waste program in New York State to incorporate changes in law and implementation.

Public hearing(s) will be held at: 2:00 p.m. and 6:00 p.m., July 19, 2022 at Virtual Public Hearing.

Public hearings will be held on Tuesday, July 19, 2022, at 2 PM and 6 PM via electronic webinar. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for the 6 NYCRR Part 360 Series, Part 371 and Part 377 by May 18, 2022. The proposed regulations webpage may be accessed at: <https://www.dec.ny.gov/regulations/125274.html>

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 360 Series public comment hearing.

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than Tuesday, July 5, 2022. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Jennifer Ukeritis at ohms@dec.ny.gov.

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

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

Substance of proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html> **#public):** Part 360

Land clearing debris landfills that were registered prior to November 4, 2017 can continue to operate until their authorized disposal capacity is utilized. Per new statutory requirements, composting facilities, mulch processing facilities, and construction and demolition debris (CDD) handling and recovery facilities (CCHRFs) are prohibited from being located in any mine located on Long Island. Pursuant to New York State Department of Health regulations, only cannabis waste from manufacturing activities that has been rendered unrecoverable and beyond reclamation can be accepted at off-site processing and disposal facilities. Criteria is added to help determine when land placement of any material will require a nonspecific facility permit rather than a beneficial use determination (BUD). A new pre-determined BUD is added for combined concrete and asphalt pavement used as aggregate. Adjustments added to case-specific BUD requirements for oil/gas brine or LPG brine used on roads. “Excavated material” replaces “fill material” to encompass anything excavated for construction or maintenance (not mining), whether reusable as Fill or not. Restructure of Fill reuse types: F1 through F5 now include F1: former unrestricted fill (soil and rock only; outside of NYC; no visual or historical indicators of contamination; no lab analysis required); F2: former general fill (soil and rock only, meeting chemical concentration limits for GF); F3: F2 but may include de minimis asphalt/concrete, and if used on residential properties must be under cover; F4: former Restricted Use Fill (RUF) but no limits on non-soil materials; and F5: former Limited Use Fill (LUF). Prohibitions on use of F4 (unless locally generated) and F5 no longer only on Long Island but also in Westchester County and the NYC Watershed. A new pre-determined BUD is added for grade adjustment using concrete, asphalt pavement, rock, or brick (CARB), and F1-designated material, F2-designated material, or F3-designated material outside NYC Watershed, Westchester, Long Island.

Part 361

Exemptions are expanded for municipalities collecting source-separated recyclables. Upper throughput limit for registered Recyclables Handling

and Recovery Facilities (RHRFs) are removed. Registration is required for land application of manure from CAFO. A permit is required for use of surface impoundments that store septage. Part 361 implements ECL Section 15-0517 by requiring groundwater monitoring and other groundwater protection procedures at certain composting facilities and mulch processing facilities on Long Island; expands exemption to allow contractors who generated certain CDDs to manage those wastes under their ownership or control; remove the 500 ton per day limit for registered CDDHRFs; establishes registered facility that can accept combinations of CARB to match newly established BUDs; establishes a new registered facility for storage of CARB and mixtures of CARB; requires most soil excavated as part of a construction or demolition project to only be received by permitted CDDHRFs, except for soil received directly from site of generation having no visual or other indication of contamination and not originating from within NYC unless the facility is owned or controlled by NYC; and reduces sampling frequency requirement for fill material with lower amounts of contaminants.

Part 362

Part 362 removes an unnecessary registration for a facility that combusts uncontaminated, unadulterated wood; adds adjustments that help to implement the 2019 Food Donation and Food Scraps Recycling Law; simplifies transfer facility regulations to encourage collection of source-separated recyclables at small facilities without requiring a permit or registration; eliminates permitting or registration requirements for municipalities that hold seasonal waste collection events of less than 5 days per year; and adds a new facility type, Postconsumer Paint Collection Site, that simplifies the requirements for collection of waste paint from households or conditionally exempt small quantity generators (CESQGs).

Part 363

Part 363 removes the exemption for disposal of less than 5000 cubic yards of CARB and General Fill (GF) to be consistent with similar adjustments in Subpart 361-5 and to acknowledge that new pre-determined BUDs for use of this material as grade adjustment does not include a volume limit; expands exemption for disposal of tree debris generated by clearing rights-of-way; adds new prohibition on siting of new landfills or lateral and vertical expansions of landfills within 1000 ft of a school or legal place of residence; enhances landfill liner requirements to require 80 mil HDPE geomembranes rather than 60 mil; requires double composite liners for CDD landfills, MSW ash landfills, papermill sludge landfills, and other industrial waste landfills unless it can be demonstrated that an alternative liner system will not adversely impact groundwater quality; requires CDD landfills to install horizontal gas collection lines to control odors and limit landfill gas emissions; and adds adjustments that help to implement the 2019 Food Donation and Food Scraps Recycling Law.

Part 364

Part 364 modifies requirements for transport of waste tire transport so that transport of 20 tires or fewer per load is exempt, transport of 21 to 80 tires per load requires a registration, and transport of more than 80 tires requires a permit and relocates from Section 360.13 to Part 364 transportation requirements for excavated material and fill. Transportation under a registration of F1 is only required if the material is transported in Nassau County, Suffolk County, Westchester County or the City of New York; and transportation under a registration of F2 or F3 is only required if the material is transported in the New York City Metropolitan Area Waste Impact Zone. In addition, Part 364 establishes that transport of CARB and CARB mixtures is exempt anywhere except the New York City Metropolitan Area Waste Impact Zone (NYCMAWIZ); that tracking documents are only required for F1, F2, F3 if transported in the NYCMAWIZ, but is required for transport of F4, F5 anywhere in the state; allows for equivalent documents to be used as a waste tracking document with department approval; and establishes that waste tracking documents are only required to be returned to waste generator.

Part 365

Part 365 changes requirement for removal of sharps/Regulated Medical Waste (RMW) storage from patient care areas to only when the receptacles are full or generating odors; eliminates 60-day limit on storage of RMW for generators of less than 50 pounds per month; establishes new registrations for two facility types: Biohazard Safety Level (BSL) 2 facility treating less than 500 pounds per month onsite, and BSL3 or BSL4 facility holding a Federal Select Agent registration; and clarifies that Subpart 365-3 Other Infectious Waste applies to waste presumed to be contaminated with infectious agents.

Part 366

Part 366 removes duplicate requirement to project MSW generation and moves submission deadline for biennial updates from May 1 to October 1.

Part 369

Part 369 clarifies ineligible costs for grant reimbursement and establishes that costs related to projects required by enforcement cases are ineligible for grant reimbursement.

Part 371

Part 371 includes language to clarify that the definition of solid waste under Part 370 Series is separate and distinct from the definition of solid waste under Part 360 Series; implements requirements of state legislation by removing exclusion from the definition of hazardous waste for wastes produced by oil and natural gas exploration and production; and allows wastes generated by CESQG to be managed by permitted, registered, or licensed SWMF authorized to receive the waste.

Part 377

In the 2017 rulemaking, Part 361 was renumbered to Part 377. The current Part 377 includes internal references to regulatory citations within the Part, however several of these references continue to refer to Part 361. These errors have been corrected.

Text of proposed rule and any required statements and analyses may be obtained from: Rick Clarkson, Department of Environmental Conservation, Division of Materials Management, 625 Broadway, Albany 12233-7260, (518) 402-8678, email: SolidWasteRegulations@dec.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: Pursuant to the State Environmental Quality Review Act, a Negative Declaration has been prepared and is on file. Pursuant to Executive Law article 42 (Coastal Consistency), a Coastal Assessment Form has been prepared and is on file.

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

This proposed rulemaking is a revision to the Department's existing solid waste regulations which became effective on November 4, 2017. The existing regulations for solid waste management activities and facilities are currently found in Part 360 Solid Waste Management Facilities, Part 361 Material Recovery Facilities, Part 362 Combustion, Thermal Treatment, Transfer, and Collection Facilities, Part 363 Landfills, and Part 365 Regulated Medical Waste and Other Infectious Wastes. In addition to the solid waste management facilities and activities currently regulated under those Parts, this proposed rulemaking includes revisions to regulations governing waste transportation (Part 364), local solid waste management planning (Part 366) and state assistance grants to municipalities related to solid waste management (Part 369).

The Department's statutory authority to undertake amendments to Part 360 is found in Environmental Conservation Law Sections 1-0101, 3-0301, Titles 1, 3, 5, 7, 15, 20, 21, 22 of Article 27, ECL Sections 27-1901, 27-1903, 27-1911, 54-0103, and Title 7 of Article 54.

NEEDS AND BENEFITS

The proposed regulations amend Part 360 Series, Part 371, and Part 377 to meet statutory requirements and the overall goals of properly managing solid waste to protect human health and the environment. This rulemaking is an extension of the comprehensive revision to the Part 360 Series regulations that became effective on November 4, 2017. A Generic Environmental Impact Statement and SEQR Finding Statement were completed as part of that rulemaking and can be found at this location: <https://www.dec.ny.gov/regulations/118777.html>. In December of 2010, the Department adopted a new State Solid Waste Management Plan, entitled Beyond Waste: A Sustainable Materials Management Strategy for New York State (<http://www.dec.ny.gov/chemical/41831.html>). This Plan sets forth multiple strategies to reduce the reliance on disposal facilities and increase waste reduction and recycling. This rulemaking continues to address the issues outlined in the State Solid Waste Management Plan and includes measures to further the environmental objectives set out in that Plan.

Statutory changes implemented through this rulemaking include:

- revisions related to ECL Section 15-0517, which requires additional groundwater monitoring and operating requirements at composting facilities, mulch processors, and construction and demolition (C&D) debris facilities on Long Island and prohibit siting of these facilities in mines;
- revisions related to ECL Section 27-0903, which removes the exclusion from the definition of hazardous waste for wastes produced during oil and natural gas exploration and production; and
- revisions related to ECL Section 27-2213, which requires DEC to implement regulations implementing the requirements of Article 27 Title 22 Food Donation and Food Scraps Recycling Law and which set requirements for transfer facilities, municipal waste combustors, and landfills related to diversion of food scraps from solid waste disposal.

In these revisions, adjustments have been made to reduce the regulatory burden in situations where protection of human health and the environment would not be impacted:

- adjusted requirements for C&D debris and excavated material will make it easier to handle and reuse these materials. The regulations continue to contain standards and operating requirements that protect human health

and the environment, and ease operating requirements only at facilities handling inert materials like concrete, asphalt pavement, rock and brick.

- newly added facility types will ease the regulatory burden on waste paint collectors by allowing them to operate under a registration, however, the collections must be operated under the requirements of a department-approved postconsumer paint collection plan and match the objectives of ECL Article 27 Title 20 by minimizing public sector involvement and allowing retailers and other entities to collect postconsumer paint.

- removal of upper throughput limits on registered recyclables handling and recovery facilities will simplify their authorization and will not create significant impacts because only nonputrescible source-separated recyclables can be managed at these facilities.

- seasonal waste collection events conducted by municipalities are authorized under exemption rather than registration or permit, which will not create negative impacts given the small volumes of waste managed during these events.

- regulated medical waste facilities that hold federal authorizations will be allowed to operate under registrations rather than permits, which, since the facilities continue to be regulated by both state and federal agencies, will reduce overly burdensome permitting obligations.

- revisions to waste transporter requirements will ease the regulatory burden of submitting these documents to the department but will not remove the requirement that they be carried with loads of certain wastes, that copies be returned to the waste generator, or that they be maintained by the transporter for a minimum of three years.

COSTS

Cost to the Regulated Community:

The majority of the criteria in the rulemaking are derived from the current regulatory program in Part 360. In addition, costs may rise in some circumstances based on implementation of state legislation as discussed above. For the majority of involved industries, the costs associated with complying will be similar or less than the costs currently incurred. However, the rulemaking includes many enhancements to the existing program, which will increase costs for some facilities:

- The revisions in Section 360.13 will expand restrictions on use of Fill Type F5 and grade adjustment materials into Westchester County and the New York City Watershed, which will increase costs for entities who previously have been allowed to use these materials without further Department review and approval. These entities are being required to choose alternatives or petition for a case-specific BUD.

- The revisions to Subpart 361-2 include a requirement that mandates a permit versus a registration for the storage of septage. This is needed for groundwater protection but will increase the cost associated with these facilities. Most new septage storage facilities are tanks, so it is expected that few operations will be affected. The estimated cost for engineering associated with the permit is at about \$10,000.

- The siting requirements in Subpart 363-5 are being amended to prohibit new landfills and lateral and vertical expansions of existing landfills within 1,000 feet of a school or legal place of residence. This could potentially result in limiting the life of eight landfills in the state due to their inability to expand, resulting in increased disposal and transportation costs for residences and municipalities in the affected areas. In addition, when a landfill laterally or vertically expands, the landfill adds disposal capacity and for each ton of added disposal capacity the landfill can charge a tip fee for disposal of waste into the expansion area. The proposed revision prohibiting lateral and vertical expansion could cause the landfills to lose between \$60 per ton and \$80 per ton in tip fees for this lost airspace.

- The design, construction and certification requirements in Subpart 363-6 will require the use of an 80-mil geomembrane in the primary and secondary composite liner systems. The material, installation and certification costs for the 80-mil geomembrane could result in an increased cost to a facility of approximately \$3,250 per acre.

- The design, construction and certification requirements in Subpart 363-6 will require a double composite liner system for construction and demolition debris landfills, papermill sludge landfills, and municipal waste combustion ash monofills unless an alternative liner is justified. The material, installation and certification of the additional liner system components could result in an increased cost to a facility of between \$100,000 to \$150,000 per acre. This will also result in increased operating, maintenance, monitoring and reporting costs between \$10,000 to \$20,000 annually.

- The requirement in Subpart 363-7 for landfills that accept construction and demolition debris to install horizontal gas collection lines to control odors and reduce the amount of landfill gas emissions is expected to result in an increased cost to a facility of approximately \$45 per liner foot of collection line plus approximately \$7,000 for the wellhead and tie-in infrastructure and the condensate trap.

Costs to the Department and the State:

The cost to the State lies within the Department, for implementation and administration of the regulatory program. Since this is an existing

regulatory program, it is not expected to be a significant increased cost to the Department.

Costs to Local Governments: These regulations will not impose any direct costs on local governments in general. However, local governments who own and operate solid waste management facilities, such as landfills, may incur additional or reduced costs associated with the regulations as described above. With respect to solid waste management planning, no additional costs are anticipated.

PAPERWORK

The proposed amendments to Subpart 362-1 Combustion and Thermal Treatment Facilities and Subpart 362-3 Transfer Facilities will eliminate the need for a Part 360 registration, thereby eliminating the paperwork associated with obtaining a Part 360 registration and eliminating any recordkeeping and reporting associated with facility monitoring and operational requirements.

- The proposed amendments to Subpart 362-1 Combustion and Thermal Treatment Facilities will require the submission of analytical results associated with ash residue sampling. This is currently required for facilities that are operating under the previous regulations and is required by a permit condition for facilities operating under the current regulations. This is not expected to result in increased paperwork.

- The proposed amendments to Subpart 362-3 Transfer Facilities will reduce the amount of paperwork associated with obtaining a Part 360 permit for facilities transferring septage waste from a single transporter.

- The proposed amendments to Subpart 362-4 Household Hazardous Waste Collection Facilities and Events will reduce the amount of paperwork that needs to be submitted to the Department with the registration application.

- The proposed addition of Subpart 362-5 Paint Collection Sites Collecting Postconsumer Architectural Paint Under a Department-Approved Postconsumer Paint Collection Program will reduce the amount of paperwork that needs to be submitted to the Department for the Part 360 authorization.

- The revisions to Subpart 363-6 to require a double composite liner system for C & D debris landfills, papermill sludge landfills, and municipal waste combustion ash monofills may result in an increase in the amount of paperwork required for reporting and certification.

DUPLICATION

The proposed regulations are not intended to duplicate any other federal or State regulations or statutes. There is no federal regulatory program covering most of the facilities or activities governed by Parts 360 through 365, 366 or 369. There are standards for the design and operation of solid waste landfills in 40 CFR Part 258. The criteria in Part 363 are equivalent to or more stringent than those found in 40 CFR Part 258 and the State has been approved by the United States Environmental Protection Agency (EPA) to implement the federal Part 258 criteria. On June 13, 2019, the Department received notification from the EPA that the November 4, 2017 Part 360 General Requirements and Part 363 Landfill regulations are consistent with the minimum federal requirements established in 40 CFR Part 258. Although New York State does not have an EPA-delegated program for 40 CFR Part 258 federal regulations, the federal criteria applicable to biosolids recycling were moved to Part 361 in the November 4, 2017 regulation.

ALTERNATIVE APPROACHES

A no action alternative was considered. Without revision to the November 4, 2017 Part 360 series regulations, the Department would have to rely on on-going enforcement discretion and guidance which includes clarification of specific areas of the regulations, especially the regulations which govern C&D debris handling and recovery and the beneficial use of C&D debris. Significant time has been invested in discussing amendments with regulated entities who have concerns with particular provisions of current Part 360, including C&D management, beneficial use of tires on farms, beneficial use of brine on roads, and groundwater quality on Long Island. The Department is proposing amendments to the regulations where it has found that the amendments will increase beneficial use of waste material, will reduce the regulatory burden on the regulated community and simplify compliance with the regulations. For these reasons, the no-action alternative was rejected.

The rulemaking has been the subject of both extensive public review and discussion. The revisions have been discussed with the regulated community in public forums and professional conferences. The result of this process is the subject proposed rulemaking that the Department considers protective of environmental resources in a manner that limits the cost to the regulated community.

FEDERAL STANDARDS

There are no federal regulations for most of the facilities and activities contained in the proposed rulemaking. The current and proposed regulations for landfills and biosolids recycling exceed the federal regulatory framework found in 40 CFR Parts 258 and 503, respectively. The packaging of RMW during transport is regulated by United States Department of Transportation and the appropriate reference is included in Part 365.

COMPLIANCE SCHEDULE

For new facilities, compliance will be required upon adoption of the final rule. For existing facilities, transition provisions are specified in proposed Section 360.4.

INITIAL REVIEW OF RULE

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

Summary of Regulatory Flexibility Analysis (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html#public>):

1. Effect of rule: The rulemaking is not expected to negatively affect small businesses and local governments. The rulemaking primarily updates existing regulatory criteria applicable to solid waste management facilities, in most cases providing additional flexibility and reduced regulatory burden for local governments or small businesses. If a local government or small business owns and operates a solid waste management facility, the costs associated with revisions to criteria for that facility apply.

2. Compliance requirements: The Department does not expect the regulations to have a negative impact on jobs and employment. The revised regulations build upon the amended regulations that were promulgated in November 2017. Since that time, the Department has seen no evidence of negative job or economic impacts caused by the new regulations.

3. Professional services: The need for additional professional services for small businesses and local governments is not anticipated. If a local government or small business is currently operating a solid waste management facility, they may already employ professional services to facilitate the operation of that facility and compliance with the regulatory requirements. The regulations are not expected to increase the level of professional services needed by those entities.

4. Compliance costs: These regulations are not likely to impose any significant new direct costs on small businesses or local governments. However, local governments and small businesses may own and operate solid waste management facilities or operate waste transportation businesses. If a small business or local government owns and operates a solid waste management facility or waste transportation business, the costs associated with compliance with the rulemaking, including cost savings, are described below, organized by Part. In most cases the regulations will reduce costs associated with compliance. In others, as outlined below, the costs may increase.

Part 360

In most instances, revisions to Sections 360.12 and 360.13 will expand the types of materials eligible for pre-determined beneficial use. Avoidance of disposal through legitimate reuse will lower costs for construction contractors, industry, municipalities and the public.

Part 361

Many proposed amendments to Part 361 would reduce or maintain current costs. Those that could increase costs include:

- The revisions to Subpart 361-2 include a requirement that mandates a permit versus a registration for the storage of septage. The estimated cost for engineering associated with the permit is approximately \$10,000.
- Subparts 361-3 and 361-4 contain revisions that include groundwater monitoring and other controls for composting and mulch facilities located on Long Island. The costs associated with these requirements will vary significantly based on the size and characteristics of the operation but could range from a few thousand dollars per site or significantly higher.

Part 362

Proposed amendments to Part 362 would reduce or maintain current costs.

Part 363

Many proposed amendments to Part 363 would reduce or maintain costs. Those that could increase costs include:

- Subpart 363-3 is being amended to add restrictions onto the exemption for the disposal of animal mortalities on farms. The revisions in Subpart 363-3 could result in additional labor time for farmers to dispose of animal carcasses. This additional labor time could translate into additional costs for farmers.
- The siting requirements in Subpart 363-5 are being amended to prohibit new landfills and lateral and vertical expansions of existing landfills within 1,000 feet of a school or legal place of residence. The proposed revision prohibiting lateral and vertical expansion could cause the landfills to lose between \$60 per ton and \$80 per ton in tip fees for this lost airspace.
- The Subpart 363-6 design, construction and certification requirements will require the use of an 80-mil geomembrane in the primary and secondary composite liner systems. The material, installation and certification costs for the 80-mil geomembrane could result in an increased cost to a facility of approximately \$3,250 per acre.
- The Subpart 363-6 design, construction and certification requirements will require a double composite liner system for construction and demolition debris landfills, papermill sludge landfills, and municipal waste combustion ash monofills unless an alternative liner is justified. The mate-

rial, installation and certification of the additional liner system components could result in an increased cost to a facility of between \$100,000 to \$150,000 per acre. This will also result in increased operating, maintenance, monitoring and reporting costs between \$10,000 to \$20,000 annually.

- The Subpart 363-7 requirement for landfills that accept construction and demolition debris to install horizontal gas collection lines to control odors and reduce the amount of landfill gas emissions is expected to result in an increased cost to a facility of approximately \$45 per liner foot of collection line plus approximately \$7,000 for the wellhead and tie-in infrastructure and the condensate trap.

Part 364

Proposed amendments to Part 364 would reduce or maintain current costs.

Part 365

Proposed amendments to Part 365 would reduce or maintain current costs.

Part 366

Proposed amendments to Part 366 would reduce or maintain current costs.

Part 369

Proposed amendments to Part 369 would reduce or maintain current costs.

5. Economic and technological feasibility: The Department has focused on revising the regulations in a manner that is technically sound and economical. The regulations that apply to facilities that are currently subject to regulation are not expected to significantly alter the operation or costs associated with those operations. However, changes in the law required the addition of new facility requirements in the regulations, such as groundwater sampling and protections at some Long Island facilities and enhanced construction and groundwater protections standards at certain solid waste landfills. In most cases, however, the regulations include reduced regulatory oversight, through expanded exemptions, predetermined beneficial use determinations, and registration provisions, which will reduce the costs associated with some solid waste facilities and activities.

6. Minimizing adverse impact: These regulations will not impose any direct costs on small businesses or local governments. However, local governments and small businesses may own and operate solid waste management facilities or operate waste transportation businesses. If a small business or local government owns and operates a solid waste management facility or waste transportation business, the costs associated with compliance with the rulemaking, including cost savings, are described above. In some cases, the regulations will reduce costs associated with compliance. In others, the costs may increase. However, the department has provided options for municipalities to provide waste management services, especially for waste transfer facilities, that require registrations rather than permits and therefore significantly reduce the regulatory burden and costs. In most other cases, proper management of solid wastes is necessary to protect public health, safety, and general welfare. Therefore, the rule does not exempt small business or local governments from its provisions as allowed under SAPA Section 202-b(1)(c).

7. Small business and local government participation: This rulemaking is a continuation of the rulemaking that became effective in November 2017, which provided significant opportunities for outreach and feedback from the regulated community. Since November 2017, the department has received significant additional feedback from members of the regulated community, including from small businesses and local governments and as discussed above has included many amendments to the Part 360 Series regulations that will reduce the regulatory burden on the regulated community.

8. For rules that either establish or modify a violation or penalties associated with a violation: Pursuant to SAPA 202-b (1-a)(a) and (b), the rulemaking includes transition provisions that provide adequate time for regulated parties to come into compliance with any new provisions. Otherwise, there is no such cure period included in the rule because of the potential for adverse impacts on human health and the environment. Cure periods for the illegal management or disposal of solid waste are neither desirable nor recommended as compliance is required to ensure the general welfare of the public and the environment is protected.

9. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462: The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Summary of Rural Area Flexibility Analysis (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html#public>):

The rulemaking will amend the Department of Environmental Conservation's (Department) regulations governing solid waste management activities including facilities, waste transporters, local solid waste management planning, and state assistance projects that became effective in

November 2017. The amendments will in some cases increase requirements on facilities and activities in order to improve environmental protection. In other cases, the amendments will simplify compliance for the regulated community in situations where the Department has determined that, due to the nature of the solid waste or the type of activity under consideration, the amendment will not negatively impact human health or the environment. In addition, developments in solid waste management and legislative initiatives have led to new types of solid waste collection and management; in these cases, new designated facility types within the Part 360 Series will allow for simpler and more effective collection and management while continuing to protect human health and the environment.

1. Types and estimated numbers of rural areas: All areas of the state, including rural areas, generate solid waste and will be affected directly or indirectly by the rulemaking.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The rulemaking does not impose additional paperwork requirements for the majority of facilities affected by this rulemaking, including facilities located in rural areas. The rulemaking will not directly impose any significant service, duty or responsibility upon any county, city, town, village, school district or fire district in a rural area. This rulemaking does not directly mandate the expenditure of funds by any sector of local government. If a local government in a rural area chooses to own and operate a solid waste management facility or a waste transportation business in the State, the rulemaking may require the additional expenditure of funds to comply with the requirements of Parts 360, 361, 362, 363, and 364, which govern those solid waste facilities and waste transportation businesses.

3. Costs: These regulations are not likely to impose any significant new direct costs on public or private sector interests in rural areas. However, if a local government or private company in a rural area owns and operates a solid waste management facility or a waste transportation business, the costs associated with compliance with the rulemaking, including cost savings, are described below, organized by Part. As discussed below, in some cases the regulations will reduce costs associated with compliance. In others, the costs may increase.

Part 360

In most instances, revisions to Sections 360.12 and 360.13 will expand the types of materials eligible for pre-determined beneficial use. Avoidance of disposal through legitimate reuse will lower costs for construction contractors, industry, municipalities and the public.

Part 361

Many proposed amendments to Part 361 would reduce or maintain current costs. Those that could increase costs include:

- The revisions to Subpart 361-2 include a requirement that mandates a permit versus a registration for the storage of septage. The estimated cost for engineering associated with the permit is approximately \$10,000.

- Subparts 361-3 and 361-4 contain revisions that include groundwater monitoring and other controls for composting and mulch facilities located on Long Island. The costs associated with these requirements will vary significantly based on the size and characteristics of the operation but could range from a few thousand dollars per site or significantly higher.

Part 362

Proposed amendments to Part 362 would reduce or maintain current costs.

Part 363

Many proposed amendments to Part 363 would reduce or maintain costs. Those that could increase costs include:

- Subpart 363-3 is being amended to add restrictions onto the exemption for the disposal of animal mortalities on farms. The revisions in Subpart 363-3 could result in additional labor time for farmers to dispose of animal carcasses. This additional labor time could translate into additional costs for farmers.

- The siting requirements in Subpart 363-5 are being amended to prohibit new landfills and lateral and vertical expansions of existing landfills within 1,000 feet of a school or legal place of residence. The proposed revision prohibiting lateral and vertical expansion could cause the landfills to lose between \$60 per ton and \$80 per ton in tip fees for this lost airspace.

- The Subpart 363-6 design, construction and certification requirements will require the use of an 80-mil geomembrane in the primary and secondary composite liner systems. The material, installation and certification costs for the 80-mil geomembrane could result in an increased cost to a facility of approximately \$3,250 per acre.

- The Subpart 363-6 design, construction and certification requirements will require a double composite liner system for construction and demolition debris landfills, papermill sludge landfills, and municipal waste combustion ash monofills unless an alternative liner is justified. The material, installation and certification of the additional liner system components could result in an increased cost to a facility of between \$100,000 to \$150,000 per acre. This will also result in increased operating, maintenance

nance, monitoring and reporting costs between \$10,000 to \$20,000 annually.

- The Subpart 363-7 requirement for landfills that accept construction and demolition debris to install horizontal gas collection lines to control odors and reduce the amount of landfill gas emissions is expected to result in an increased cost to a facility of approximately \$45 per liner foot of collection line plus approximately \$7,000 for the wellhead and tie-in infrastructure and the condensate trap.

Part 364
Proposed amendments to Part 364 would reduce or maintain current costs.

Part 365
Proposed amendments to Part 365 would reduce or maintain current costs.

Part 366
Proposed amendments to Part 366 would reduce or maintain current costs.

Part 369
Proposed amendments to Part 369 would reduce or maintain current costs.

4. Minimizing adverse impact: The rulemaking is not expected to have adverse impacts on rural areas of New York State. The updated regulatory criteria for solid waste facilities that may be located in a rural area are not expected to significantly change the cost of the operation of these facilities. However, there could be increased costs for landfill owners and operators associated with Subparts 363-6 and 363-7. These regulatory changes, however, are necessary to ensure the protection of the environment. It is not expected, rural area governments, businesses and residents will see a significant increase in the cost of solid waste management due to the rulemaking. The department has provided options for municipalities, including rural area local governments, to provide waste management services, especially for waste transfer facilities, that require registrations rather than permits and therefore significantly reduce the regulatory burden and costs.

Proper management of solid waste is necessary to protect public health, safety, and general welfare. Therefore, with respect to the revisions in Subparts 363-3, 363-5, 363-6 and 363-7, the Department did not find alternative approaches or an exemption from applicability would accomplish the same objectives for environmental protection.

5. Rural area participation: This rulemaking is a continuation of the rulemaking that became effective in November 2017, which provided significant opportunities for outreach and feedback from the regulated community, both public and private, in rural areas. Since November 2017, the Department has received significant additional feedback from members of the regulated community, including from small businesses and local governments and as discussed above has included many amendments to the Part 360 Series regulations that will reduce the regulatory burden on the regulated community.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462: The Department will conduct an initial review of the rule within three years as required by SAPA § 207.

Job Impact Statement

The New York State Department of Environmental Conservation (Department) is revising 6 NYCRR Parts 360-366 and 369 (Part 360 Series) and 6 NYCRR Parts 371 and 377. The revised regulations will apply statewide. The Department does not expect the revised regulations to have a negative impact on jobs and employment opportunities in the State. The revisions update the existing regulations that relate to solid waste management facilities, waste transportation, local solid waste management planning, and state assistance grants for recycling and household hazardous waste collection. Amendments to the Part 360 Series regulations that were adopted in 2017 will improve environmental protection, institute new facility types, and simplify compliance for the regulated community.

1. NATURE OF IMPACT

The Department does not expect the revised regulations to have a negative impact on jobs and employment. The revised regulations build upon the amended regulations that were promulgated in November 2017. Since that time, the Department has seen no evidence of negative job or economic impacts caused by the new regulations.

In these revisions, adjusted requirements for C&D debris and excavated material will make it easier to handle and reuse these materials, newly added facility types will ease the regulatory burden on paint recyclers, removal of upper throughput limits on registered recyclables handling and recovery facilities will simplify their authorization, seasonal waste collection events conducted by municipalities are exempted, new allowances for registration of regulated medical waste facilities with federal authorizations will ease the regulatory burden on these facilities, and revisions to waste transporter requirements will ease the regulatory burden related to waste tracking documents, among other revisions. These regulatory provi-

sions not only relieve burdens on the regulated community but also on Department staff.

Statutory changes related to composting facilities, mulch processors, and C&D debris facilities on Long Island that will require additional groundwater monitoring and operating requirements and prohibit siting in mines will enhance groundwater protection near these facilities but are not expected to impact jobs. Several landfill requirements that increase environmental protectiveness at the facilities are included, such as thicker geomembranes for liner construction, default double composite liners for all solid waste landfills, horizontal gas collection lines at C&D debris landfills, and prohibition on new landfills or lateral and vertical expansion of existing landfills within 1000 feet of a school or legal place of residence. Most of these requirements are not unusual in the waste industry and they are not expected to have significant impacts on jobs in the industry. Statutory changes removed the hazardous waste exclusion for wastes produced by oil and natural gas exploration and production. These revisions, which have been included in Part 371 Series regulations, may increase costs related to these wastes, but are not expected to affect jobs in the state.

2. CATEGORIES AND NUMBERS AFFECTED

The revised regulations are not expected to negatively affect employment opportunities.

3. REGIONS OF ADVERSE IMPACT

There are no regions of the State expected to be negatively impacted from the revised regulations. Rules related to reuse of excavated material establish enhanced reuse and transportation requirements in areas of the state where impacts from illegal disposal have been significant. These areas include Long Island, the New York City metro area and surrounding jurisdictions, and the New York City watershed. In general, the revisions reflect current industry practices and address new facility types based on feedback from the regulated community.

4. MINIMIZING ADVERSE IMPACT

The revised regulations are not expected to have an adverse impact on jobs and employment. The Department already regulates the solid waste management activities covered by the regulations. For most facilities and activities covered by the regulations, the revisions will have no direct impact on jobs and employment. The revised regulations continue the use of registrations in lieu of full permits for both solid waste management facilities and for solid waste transporters to ease regulatory burden on these industry sectors while still allowing the Department to provide proper oversight of these activities.

5. SELF-EMPLOYMENT OPPORTUNITIES

The revised regulations are not expected to negatively impact self-employment opportunities.

6. INITIAL REVIEW OF THE RULE

The Department will conduct an initial review of the regulations within three years of promulgation as required by SAPA § 207.

Department of Health

NOTICE OF ADOPTION

Ingredient Disclosures for Vapor Products and E-Cigarettes

I.D. No. HLT-05-21-00011-A

Filing No. 335

Filing Date: 2022-05-03

Effective Date: 2022-05-18

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

Action taken: Addition of Part 1006 to Title 10 NYCRR.

Statutory authority: Public Health Law, section 1701

Subject: Ingredient Disclosures for Vapor Products and E-Cigarettes.

Purpose: To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes.

Text or summary was published in the February 3, 2021 issue of the Register, I.D. No. HLT-05-21-00011-P.

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

Revised rule making(s) were previously published in the State Register on February 23, 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: regsna@health.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 New York State Department of Health (the Department) received several comments to the proposed rulemaking adding a new Part 1006 to Title 10 of the Code, Rules and Regulations of the State of New York relating to ingredient disclosures for vapor products and e-cigarettes. Public comments were received from eight industry stakeholders. All of the comments and the Department's responses are summarized below.

COMMENT: Several commenters claimed that requirements within the proposed regulation are preempted by the federal Family Smoking Prevention and Tobacco Control Act (TCA). The comments specify that states are prohibited from establishing requirements that differ from TCA's requirements with respect to premarket review and labeling.

RESPONSE: The proposed rule implements ingredient disclosures for vapor products and e-cigarettes that are mandated by PHL § 1701. No changes were made to the proposed rule as a result of this comment.

COMMENT: Several commenters claimed that the proposed rule unlawfully compels speech by requiring companies to publicly disclose information on their websites.

RESPONSE: The proposed rule implements ingredient disclosures for vapor products and e-cigarettes that are mandated by PHL § 1701. No changes were made to the proposed rule as a result of this comment.

COMMENT: Several commenters claimed that the proposed rule's protections for proprietary information do not provide the same level of confidential treatment as is afforded by the FDA. One commenter recommended that the proposed rule be modified to align with protections offered to submitters of confidential or trade-secret information under the Freedom of Information Act.

RESPONSE: The proposed rule implements the specific limits on treatment of proprietary information and the definition for such information found in PHL § 1701, which permits the withholding of information from public disclosure provided the disclosure of such information "would compromise such manufacturer's competitive position." No changes were made to the proposed rule as a result of this comment.

COMMENT: Several commenters indicate that the proposed rule significantly underestimates the cost that will be incurred by the industry to comply with these requirements. The commenters point to costs associated with collecting and producing extensive amounts of information that the FDA has not required for their Premarket Tobacco Product Application (PMTA) process as well as the costs and challenges associated with testing products for the identified chemicals of concern, byproducts, or contaminants and disclosing those ingredients. One commenter recommended that the Department accept a summary of manufacturer research that was required to be submitted by US FDA.

RESPONSE: The Department acknowledged there would be costs incurred by the regulated community in the updated "Costs to Private Regulated Parties" and "Compliance Costs" sections of the proposed rule. The proposed rule implements ingredient disclosures for vapor products and e-cigarettes that are mandated by PHL § 1701. The Department has determined that a summary of the manufacturer research that was required to be submitted by US FDA would be acceptable. This will be clarified in future guidance pertaining to the proposed rule. No changes were made to the proposed rule as a result of this comment.

COMMENT: Two commenters claim that the proposed rule is arbitrary and capricious because it interferes with FDA regulatory oversight for reasons that are not explained or justified.

RESPONSE: The proposed rule implements ingredient disclosures for vapor products and e-cigarettes that are mandated by PHL § 1701. No changes were made to the proposed rule as a result of this comment.

COMMENT: Two commenters highlighted provisions within the proposed rule that go further than what is required by the FDA through their PMTA process. They specifically point out that the FDA only requires disclosure of 20 chemicals from their Harmful and Potentially Harmful Constituents (HPHC) list whereas the proposed rule defines "chemicals of concern" as being all of the chemicals on FDA's HPHC list (112 chemicals) as well as vitamin E acetate. The proposed rule requires an alternatives assessment for chemicals that are identified as chemicals of concern whereas the FDA does not have this requirement. The FDA also limits their definition of "ingredient" to those that are intentionally added whereas the proposed rule includes contaminants and byproducts in the definition of ingredients. Additionally, the FDA only required submission of health documents that were developed within a specific window of time whereas the proposed rule requires all health documentation. The commenters indicate this is arbitrary and capricious because there is a lack of sound reasoning for the additional requirements.

RESPONSE: The legislative objective of Article 17 of the PHL is to

increase public awareness of the ingredients found in vapor products and electronic cigarettes, and to improve public health by ensuring consumers are aware when such ingredients are potentially harmful. The proposed rule does not deviate from the requirements set forth in Article 17 of the PHL. No changes to the proposed rule are necessary as a result of these comments.

COMMENT: Two commenters indicated that the Department has not performed any studies or meaningful analysis to determine the impact on consumers and behavior as a result of this proposed rule.

RESPONSE: The proposed rule implements ingredient disclosures for vapor products and e-cigarettes that are mandated by PHL § 1701. No changes were made to the proposed rule as a result of this comment.

COMMENT: Several commenters recommended that the proposed rule should exempt products that have been authorized by the US Food and Drug Administration (FDA) through their Premarket Tobacco Product Application (PMTA) process. Commenters pointed to the State's e-cigarette flavor ban (Public Health Law Article 13-F Section 1399-MM-1) as an example of where this type of exemption is currently used in New York.

RESPONSE: The legislative objective of Article 17 of the PHL is to increase public awareness of the ingredients found in vapor products and electronic cigarettes, and to improve public health by ensuring consumers are aware when such ingredients are potentially harmful. The proposed rule implements ingredient disclosures for vapor products and e-cigarettes that are mandated by PHL § 1701. No changes were made to the proposed rule as a result of these comments; however, the Department will take these comments under advisement for future rulemaking.

COMMENT: Several commenters recommended that the State delay rulemaking until the FDA acts on all PMTAs that are currently under review.

RESPONSE: The vapor product and e-cigarette ingredient disclosures required by PHL § 1701 are currently in effect and cannot be waived or delayed by the Department. The proposed rule is necessary to implement these requirements for ingredient disclosure. No changes were made to the proposed rule as a result of this comment.

COMMENT: One commenter indicated that the proposed rule only applies to e-cigarette and vapor products used for nicotine. However, the impetus for this law was the outbreak of lung injury cases in 2019 that were likely due to black-market vaping products used for cannabis consumption. The commenter recommends that the requirements be expanded to cannabis containing e-cigarette and vaping products, however they acknowledge that this would likely require a change to the Article 17 of the Public Health Law.

RESPONSE: Article 17 of the PHL specifically identifies vapor products and e-cigarettes used for the consumption of nicotine. It does not include vapor products and e-cigarettes used for the consumption of tetrahydrocannabinol, the main psychoactive compound in cannabis. The Department modified the proposed rule to include vitamin E acetate as a chemical of concern, but no other changes to the proposed rule were made as a result of these comments.

Division of Human Rights

NOTICE OF ADOPTION**Notice of Tenants' Rights to Reasonable Modifications and Accommodations for Persons with Disabilities****I.D. No.** HRT-15-21-00005-A**Filing No.** 329**Filing Date:** 2022-05-03**Effective Date:** 2022-05-18

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

Action taken: Addition of section 466.15 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 170-d and 295.5

Subject: Notice of tenants' rights to reasonable modifications and accommodations for persons with disabilities.

Purpose: To comply with the requirements of Executive Law section 170-d.

Text of final rule: A new section 466.15 is added to read as follows:

466.15 Provision of notice by housing providers of tenants' rights to reasonable modifications and accommodations for persons with disabilities.

(a) *Statutory Authority.* Pursuant to N.Y. Executive Law section 295.5, it is a power and a duty of the Division to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of the N.Y. Executive Law, article 15 (Human Rights Law) and pursuant to New York Executive Law section 170-d, the New York State Division of Human Rights “shall promulgate regulations requiring every housing provider ... to provide notice to all tenants and prospective tenants ... of their rights to request reasonable modifications and accommodations” as such rights are provided for in Human Rights Law sections 296.2-a(d) and section 296.18.

(b) *Effective date.* Executive Law section 170-d was effective March 2, 2021, pursuant to the Laws of 2021, chapter 82, section 4, by reference to the Laws of 2020, chapter 311.

(c) *Definitions.*

(1) “Housing provider” shall mean:

(i) “the owner, lessee, sub-lessee, assignee, or managing agent of, or other person having the right to sell, rent or lease a housing accommodation, constructed or to be constructed, or any agent or employee thereof” as set forth in New York Executive Law, article 15 (hereinafter “Human Rights Law”) section 296.5; or

(ii) “the owner, lessee, sub-lessee, assignee, or managing agent of publicly-assisted housing accommodations or other person having the right of ownership or possession of or the right to rent or lease such accommodations” as set forth in Human Rights Law section 296.2-a.

(2) “Housing accommodation” includes “any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings” as set forth in Human Rights Law section 292.10.

(3) “Publicly-assisted housing accommodations” shall include:

(i) “public housing” as set forth in Human Rights Law section 292.10(a);

(ii) “housing operated by housing companies under the supervision of the commissioner of housing” as set forth in Human Rights Law section 292.10(b); or

(iii) other publicly-assisted housing as described in Human Rights Law section 292.10(c), (d) and (e).

(4) “Property Manager” as referenced in the sample notice is an individual housing provider, or such person as the housing provider designates for the purpose of receiving requests for reasonable accommodation.

(5) “Reasonable modifications or accommodations” shall refer to those actions required by Human Rights Law section 296.2-a(d) and Human Rights Law section 296.18, which makes it an unlawful discriminatory practice for a housing provider or publicly-assisted housing provider:

(i) To refuse to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the said person, if the modifications may be necessary to afford the said person full enjoyment of the premises, in conformity with the provisions of the New York state uniform fire prevention and building code, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter’s agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(ii) To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, including the use of an animal as a reasonable accommodation to alleviate symptoms or effects of a disability, and including reasonable modification to common use portions of the dwelling, or

(iii) In connection with the design and construction of covered multi-family dwellings for first occupancy after March thirteenth, nineteen hundred ninety-one, a failure to design and construct dwellings in accordance with the accessibility requirements of the New York state uniform fire prevention and building code, to provide that:

(a) The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons with disabilities;

(b) All the doors are designed in accordance with the New York state uniform fire prevention and building code to allow passage into and within all premises and are sufficiently wide to allow passage by persons in wheelchairs; and

(c) All premises within covered multi-family dwelling units contain an accessible route into and through the dwelling; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; there are reinforcements in the bathroom walls to allow later installation of grab bars; and there are usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space, in conformity with the New York state uniform fire prevention and building code.

(6) “First substantive contact” is a term used by real estate brokers,

licensed real estate salespersons, and licensed associate brokers in New York State. For purposes of this regulation, the term shall have the same meaning as applied under N.Y. Real Prop. Law § 443 and 19 N.Y.C.R.R. § 175.28.

(d) *Actions required by Executive Law section 170-d.*

(1) Housing providers that are the owner, lessee, sub-lessee, assignee, or managing agent of a housing accommodation or publicly-assisted housing accommodation, must provide notice, as provided for in this regulation, to all new and current tenants in the following manner:

(i) Within 30 days of the effective date of their tenancy;

(ii) for current tenants, within thirty days after the effective date of Executive Law section 170-d.

(iii) In writing, and in 12-point font or larger, or other easily legible font.

(iv) Include telephone number(s) and e-mail of the property manager or other person responsible for accepting reasonable accommodation requests.

(v) By email, text, electronic messaging system, facsimile, or hardcopy. An electronic communication containing a link to the notice required pursuant to this regulation shall be permissible, provided the communication also contains text to inform the prospective tenant that the link contains information regarding tenants’ rights to reasonable accommodations for persons with disabilities. The notice must be available for printing and downloading.

(vi) Where such communication is in paper form, the notice must be included within such communication, or by providing the notice in an accompanying document.

(vii) May be accomplished by including the notice in or with other written communications, such as a lease or other written materials routinely provided to tenants.

(viii) Oral disclosure does not satisfy the requirements imposed by this section.

(ix) “Posting” of the notice pursuant to paragraph (d)(3) of this subdivision, either on paper, on a bulletin board, or on an electronic bulletin board or notice area, does not satisfy the requirements imposed by this section.

(2) A real estate broker shall be responsible to ensure that each individual licensed pursuant to Article 12-A of the New York Real Property Law and associated with such broker provides notice with regard to available housing accommodations, as provided for in this regulation, to all prospective tenants in the following manner:

(i) Upon first substantive contact.

(ii) In writing, and in 12-point font or larger, or other easily legible font.

(iii) By email, text, electronic messaging system, facsimile, or hardcopy. An electronic communication containing a link to the notice required pursuant to this regulation shall be permissible, provided the communication also contains text to inform the prospective tenant that the link contains information regarding tenants’ rights to reasonable accommodations for persons with disabilities. The notice must be available for printing and downloading.

(iv) Where such communication is in paper form, the notice must be included within such communication, or by providing the notice in an accompanying document.

(v) Oral disclosure does not satisfy the requirements imposed by this section.

(vi) “Posting” of the notice pursuant to paragraph (d)(3) of this subdivision, either on paper, on a bulletin board, or on an electronic bulletin board or notice area, does not satisfy the requirements imposed by this section.

(3) In addition to the delivery of notice in paragraphs (d)(1) and (d)(2) of this subdivision, all housing providers shall post the notice in the following manner:

(i) As required by 9 NYCRR 466.3; and

(ii) all websites created and maintained by housing providers shall prominently and conspicuously display on the homepage of such website a link to the Division’s notice as required this regulation which shall be made available by the Division.

(4) The notice is to advise individuals of their right to request reasonable modifications and accommodations for disability pursuant to Human Rights Law section 296.2-a(d) (publicly-assisted housing) or Human Rights Law section 296.18 (private housing).

(e) *Content of the required notice.* The following shall be deemed sufficient notice when provided to the individual to be notified.

NOTICE DISCLOSING TENANTS’ RIGHTS TO REASONABLE ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Reasonable Accommodations

The New York State Human Rights Law requires housing providers to make reasonable accommodations or modifications to a building or living space to meet the needs of people with disabilities. For example, if you

have a physical, mental, or medical impairment, you can ask your housing provider to make the common areas of your building accessible, or to change certain policies to meet your needs.

To request a reasonable accommodation, you should contact your property manager by calling _____ or _____, or by e-mailing _____. You will need to inform your housing provider that you have a disability or health problem that interferes with your use of housing, and that your request for accommodation may be necessary to provide you equal access and opportunity to use and enjoy your housing or the amenities and services normally offered by your housing provider. A housing provider may request medical information, when necessary to support that there is a covered disability and that the need for the accommodation is disability related.

If you believe that you have been denied a reasonable accommodation for your disability, or that you were denied housing or retaliated against because you requested a reasonable accommodation, you can file a complaint with the New York State Division of Human Rights as described at the end of this notice.

Specifically, if you have a physical, mental, or medical impairment, you can request:⁺

Permission to change the interior of your housing unit to make it accessible (however, you are required to pay for these modifications, and in the case of a rental your housing provider may require that you restore the unit to its original condition when you move out);

Changes to your housing provider's rules, policies, practices, or services;

Changes to common areas of the building so you have an equal opportunity to use the building. The New York State Human Rights Law requires housing providers to pay for reasonable modifications to common use areas.

Examples of reasonable modifications and accommodations that may be requested under the New York State Human Rights Law include:

If you have a mobility impairment, your housing provider may be required to provide you with a ramp or other reasonable means to permit you to enter and exit the building.

If your healthcare provider provides documentation that having an animal will assist with your disability, you should be permitted to have the animal in your home despite a "no pet" rule.

If you need grab bars in your bathroom, you can request permission to install them at your own expense. If your housing was built for first occupancy after March 13, 1991 and the walls need to be reinforced for grab bars, your housing provider must pay for that to be done.

If you have an impairment that requires a parking space close to your unit, you can request your housing provider to provide you with that parking space, or place you at the top of a waiting list if no adjacent spot is available.

If you have a visual impairment and require printed notices in an alternative format such as large print font, or need notices to be made available to you electronically, you can request that accommodation from your landlord.

Required Accessibility Standards

All buildings constructed for use after March 13, 1991, are required to meet the following standards:

Public and common areas must be readily accessible to and usable by persons with disabilities;

All doors must be sufficiently wide to allow passage by persons in wheelchairs; and

All multi-family buildings must contain accessible passageways, fixtures, outlets, thermostats, bathrooms, and kitchens.

If you believe that your building does not meet the required accessibility standards, you can file a complaint with the New York State Division of Human Rights.

How to File a Complaint

A complaint must be filed with the Division within one year of the alleged discriminatory act or in court within three years of the alleged discriminatory act. You can find more information on your rights, and on the procedures for filing a complaint, by going to www.dhr.ny.gov, or by calling 1-888-392-3644. You can obtain a complaint form on the website, or one can be e-mailed or mailed to you. You can also call or e-mail a Division regional office. The regional offices are listed on the website.

* The Notice must include contact information when being provided under 466.15(d)(1), above. However, when being provided under (d)(2) and when this information is not known, the sentence may read "To request a reasonable accommodation, you should contact your property manager."

+ This Notice provides information about your rights under the New York State Human Rights Law, which applies to persons residing anywhere in New York State. Local laws may provide protections in addition to

those described in this Notice, but local laws cannot decrease your protections.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 466.15(d)(1), (2) and (e).

Revised rule making(s) were previously published in the State Register on March 16, 2022.

Text of rule and any required statements and analyses may be obtained from: Caroline J. Downey, General Counsel, Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458, (718) 741-8398, email: caroline.downey@dhr.ny.gov

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

A Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement for the proposed regulatory amendments are not being submitted because changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

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

Assessment of Public Comment

A Notice of Revised Rule Making was published in the State Register on March 16, 2022. The Division of Human Rights (DHR or Division) received comments associated with the rule making during the public comment period. The concerns raised in the comments are summarized below. DHR's response is provided.

Comment: In the Assessment of Public Comment published with the Notice of Revised Rule in the State Register on March 16, 2022, DHR stated it added information about the three-year statute of limitations for filing a complaint in court under the HRL but such language was not included in the text of the revised rule.

Response: DHR added language concerning the three-year statute of limitations for filing a complaint in court under the HRL to the text of revised rule.

Comment: Permitting the Notice to be printed in 12-point font or larger rather than 14-point or larger will allow the Notice to be printed on two sides of a single sheet of paper.

Response: After consideration, DHR changed the minimum font reference for the Notice to 12-point or larger. This change will allow the Notice to be printed on a single sheet of paper and allow for additional space between lines and/or paragraphs, which will enhance legibility.

Department of Labor

NOTICE OF ADOPTION

Unemployment Insurance Work Search

I.D. No. LAB-05-22-00008-A

Filing No. 337

Filing Date: 2022-05-04

Effective Date: 2022-05-18

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

Action taken: Amendment of section 473.4 of Title 12 NYCRR.

Statutory authority: Labor Law, sections 21(11) and 530(1)

Subject: Unemployment Insurance Work Search.

Purpose: Permit unemployment claimants to use virtual and electronic methods to engage in systemic and sustained work search efforts.

Text or summary was published in the February 2, 2022 issue of the Register, I.D. No. LAB-05-22-00008-EP.

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

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

Office of Mental Health

EMERGENCY RULE MAKING

COVID-19 Vaccination Program

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

Filing No. 332

Filing Date: 2022-05-03

Effective Date: 2022-05-03

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

Action taken: Amendment of Part 557 of Title 14 NYCRR.

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

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

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

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

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

Subject: COVID-19 Vaccination Program.

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

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

557.1 Background and Intent.

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

557.2 Legal Base.

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

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

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

557.3 Applicability.

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

557.4 Definitions Pertaining to this Part.

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

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

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

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

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

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

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

557.5 Testing and Vaccination Requirements for Hospitals and STARC Programs.

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

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

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

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

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

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. OMH-43-21-00002-EP, Issue of October 27, 2021. The emergency rule will expire July 1, 2022.

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

Regulatory Impact Statement

1. Statutory Authority:

(a) Section 7.07 of the Mental Hygiene Law (MHL) charges the Office of Mental Health (OMH) with the responsibility for seeing that persons

with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

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

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

2. Legislative Objectives:

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

3. Needs and Benefits:

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

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

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

4. Costs:

(a) Costs to Regulated Parties:

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

(b) Costs to Local and State Governments:

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

5. Local Government Mandates:

This regulation will have no impact on local governments.

6. Paperwork:

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

7. Duplication:

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

8. Alternatives:

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

9. Federal Standards:

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

10. Compliance Schedule:

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

Regulatory Flexibility Analysis

Effect of Rule:

This regulation will not impact local governments or small businesses.

Compliance Requirements:

This regulation primarily requires Hospitals operated or licensed by the

Office of Mental Health to promptly coordinate the COVID-19 vaccination of their staff.

Professional Services:

No professional services are required by this regulation.

Compliance Costs:

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

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Small Business and Local Government Participation:

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

Cure Period:

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

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

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

Costs:

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

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

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

Rural Area Participation:

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

Job Impact Statement

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

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

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

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

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-20-22-00004-P

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

Proposed Action: The Commission is considering the petition of RXR 196 Willoughby Owner LLC to submeter electricity at 196 Willoughby Street, Brooklyn, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the petition filed by RXR 196 Willoughby Owner LLC on March 3, 2022, seeking authority to submeter electricity at a new rent-stabilized rental building at 196 Willoughby Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the petition, RXR 196 Willoughby 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 full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(22-E-0127SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Tariff Amendment to Eliminate References to Mercury Vapor Lamps and to Add LED Lamps

I.D. No. PSC-20-22-00005-P

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

Proposed Action: The Commission is considering a tariff proposal by Plattsburgh Municipal Lighting Department to update its tariffs to elimi-

nate references to mercury vapor lamps and to add light emitting diode (LED) lamps to the rate schedule.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Proposed tariff amendment to eliminate references to mercury vapor lamps and to add LED lamps.

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

Substance of proposed rule: The Commission is considering a proposal filed by Plattsburgh Municipal Lighting Department (Plattsburgh) on April 19, 2022, to amend its tariff schedule, P.S.C. No. 1 — Electricity.

The proposed amendment would update Plattsburgh's tariff by eliminating references to mercury vapor lamps and to add light emitting diode (LED) lamps to the rate schedule. According to Plattsburgh, mercury vapor lamps have become obsolete and are no longer used. LED Lamps have become widely available and cost effective by lasting longer, being more durable, and offering comparable or better light quality than other types of lighting. The transition to LEDs will conserve more resources and benefit PMLD's ratepayers and all New Yorkers. The proposed amendment has an effective date of July 18, 2022.

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

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

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

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

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

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

(22-E-0235SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Electric Metering Equipment

I.D. No. PSC-20-22-00006-P

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

Proposed Action: The Public Service Commission is considering a petition filed by Landis+Gyr Technology Inc. to use the Revelo E360 solid-state electric meter in electric metering applications.

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

Subject: Electric metering equipment.

Purpose: To consider use of electric meter and ensure that consumer bills will be based on accurate measurements of electric usage.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on March 24, 2022, by Landis+Gyr Technology Inc. to use the Revelo E360 solid-state electric meters in electric metering applications in New York State.

The Commission's regulations require that new types of electric meters and associated devices, used to measure a customer's electric usage, are tested and approved by the Commission before being used for customer billing purposes. The application must conform to the requirements of 16 NYCRR § 93.

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

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

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

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

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

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

(22-E-0163SP1)

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

A Debt Financing Arrangement with Respect to a Proposed Electric Transmission Project

I.D. No. PSC-20-22-00007-P

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

Proposed Action: The Commission is considering a petition filed by NextEra Energy Transmission New York, Inc., seeking flexible financing authorization under lightened regulation.

Statutory authority: Public Service Law, sections 5, 64, 65, 66 and 69

Subject: A debt financing arrangement with respect to a proposed electric transmission project.

Purpose: To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by NextEra Energy Transmission New York, Inc. (NEETNY) on April 25, 2022, requesting flexible financing under § 69 of the Public Service Law (PSL).

According to the petition, NEETNY was formed to develop, construct, and own high-voltage transmission facilities in the New York Independent System Operator, Inc. region in New York, including the 20-mile long 345 kV transmission line and associated switchyards in Niagara and Erie Counties known as the Empire State Line (ESL) Project. NEETNY seeks authorization to (1) issue up to \$150 million of long-term debt, and (2) obtain a revolving credit facility in an amount not to exceed \$50 million (collectively, the Financing). NEETNY also seeks authority to guarantee and to pledge ownership interests in, and the jurisdictional assets owned by, NEETNY as collateral security for the repayment of up to that \$200 million. The petition states that the proposed Financing is for a statutory purpose, in that the indebtedness would be used NEETNY for general corporate purposes, including, but not limited to, funding capital expenditures, operating and maintenance expenses, and other general day-to-day business expenses associated with the operation of the ESL Project. The petition also asserts that approval of the Financing will ultimately strengthen NEETNY's ability to provide cost-effective, safe, and reliable service, and is in the public interest.

NEETNY also seeks flexibility to modify, without prior Commission approval, the identity of the financing entities, payment terms, and the amount financed, up to the proposed \$200 million limit. NEETNY asserts that approval of such flexibility is consistent with Commission precedent regarding lightly regulated entities seeking Commission approval for financings.

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

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

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

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

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

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

(22-E-0245SP1)

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

Petition to Submeter Electricity

I.D. No. PSC-20-22-00008-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 the petition of 417 East Realty Limited Partnership to submeter electricity at 417 East 57th Street, New York, NY.

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: Petition to submeter electricity.

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

Substance of proposed rule: The Commission is considering the petition filed by 417 East Realty Limited Partnership on April 8, 2022, seeking authority to submeter electricity at a new market rate rental building located at 417 East 57th Street, New York, NY 10022, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the petition, 417 East Realty Limited Partnership requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(22-E-0199SP1)

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

Modify Lease of Utility Property

I.D. No. PSC-20-22-00009-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 Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to extend and amend the lease of the Volney-Marcy transmission line.

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

Subject: Modify lease of utility property.

Purpose: To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on April 25, 2022 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to extend and amend the lease of the 765 kV transmission line from Volney to Marcy, New York (Volney-Marcy line).

The original lease for Volney-Marcy line was entered into by the Company pursuant to a Commission Order dated October 31, 1986 (1986 Order). The 1986 Order required the Company to obtain Commission approval when attempting to modify or materially supplement the existing lease and to provide justification for the modification or supplement. The current lease expires January 1, 2028. The Company has entered into an extension agreement (Extension Agreement) which would extend the lease terms to January 1, 2044, or the anticipated end of the useful life of the Volney-Marcy line, at which time the Company will purchase the Volney-Marcy line for \$1. The Company states by extending the lease now on the proposed terms, it will benefit customers by taking advantage of historically low interest rates. Under the terms of the current lease, the Company pays annual rent on July 1 of each year of \$11,855,256.20. Under the terms of the new agreement, the Company's annual rent will be reduced approximately \$772,000.

The Company also requests expedited treatment of this petition by the Commission. Under the terms of the Extension Agreement, Upstate Transmission Holdings, LLC (UTH) can terminate the agreement if the Company has not secured the required approvals by June 25, 2022. At that time UTH can reassess the interest rate agreement. Therefore, the Company requests expedited treatment to take advantage of the interest rate market at the time of signing.

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

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

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

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

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

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

(22-E-0253SP1)

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

Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b)

I.D. No. PSC-20-22-00010-P

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

Proposed Action: The Commission is considering a petition filed by Anbaric Development Partners LLC for a waiver of certain provisions of 16 NYCRR regarding requirements for applications under PSL Article VII for Certificates of Environmental Compatibility and Public Need.

Statutory authority: Public Service Law, sections 4 and 122

Subject: Waiver of 16 NYCRR sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b).

Purpose: To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

Substance of proposed rule: The Commission is considering a petition filed on March 18, 2022 by Anbaric Development Partners LLC for a waiver of certain provisions of 16 NYCRR regarding requirements for applications under PSL Article VII for Certificates of Environmental Compatibility and Public Need.

On or before June 30, 2022, Anbaric Development Partners, LLC (Anbaric), intends to file an application pursuant to Public Service Law (PSL) Article VII with the Public Service Commission (Commission) for a Certificate of Environmental Compatibility and Public Need, authorizing Anbaric to construct, own and operate the New York State portion of the Juno Power Express, a proposed transmission system that will connect one or more offshore wind generators off the coast of Long Island to the Long Island Power Authority's 138 kilovolt Ruland Road Substation in Huntington, New York. In advance of the submission that application, Anbaric has filed the instant petition seeking waivers of Commission regulations 16 NYCRR § 86.3(a)(1), 86.3(a)(2), 86.3(b)(2) and 86.4(b), all of which pertain to mapping requirements of applications filed pursuant to PSL Article VII.

More specifically, 16 NYCRR § 86.3(a)(1) requires that Anbaric submit detailed New York State Department of Transportation (NYSDOT) topographic maps showing: (i) the proposed right-of-way with a five-mile buffer on either side of the proposed facility location; (ii) where construction of the proposed facility would involve permanent changes to existing vegetation, topography or man-made structures; and (iii) any known historical, geologic, archaeological or scenic area, including parks and untouched wilderness, within three miles of the right-of-way. Anbaric requests Commission approval to alternatively provide a combination of topographical maps prepared by the National Geospatial Program of the United States Geological Survey (USGS maps) and nautical charts published by the United States Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), with the former covering an area of at least one mile on either side of the proposed facility location and the latter showing a minimum of one thousand feet on either side of the proposed route. According to Anbaric, such maps and charts are consistent with the Commission's regulatory requirements for underground and submarine transmission facilities, and they will adequately identify the location of the proposed facility and any potentially affected resources of the type described in the regulations.

16 NYCRR § 86.3(a)(2) requires that Anbaric submit NYSDOT maps depicting the relationship of the proposed facility to the overall electrical system, including the location of each point of connection between an existing facility and the proposed facility, as well as properties in the "nearby" area that are owned or controlled by other utilities. Anbaric requests approval to substitute the required NYSDOT maps with USGS maps, which it maintains will adequately depict the relationship of the proposed facility to the respective interconnected electric system components.

As relevant here, 16 NYCRR § 86.3(b)(2) requires that Anbaric submit various aerial photographs of the project area that were taken within six months of the date its application is filed. Anbaric requests waiver of this temporal requirement and to alternatively attest, upon request, that the photographs submitted with the application reflect current conditions of the area surrounding the proposed facility.

Finally, 16 NYCRR § 86.4(b)(2) requires that Anbaric submit NYSDOT maps reflecting any alternative routes considered. Anbaric requests approval to substitute the required NYSDOT maps with USGS maps and NOAA nautical charts, which it maintains will adequately depict the alternative routes considered.

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

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

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

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

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

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

(22-T-0157SP1)

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

Establishment of the Regulatory Regime Applicable to a Wind Electric Generating Facility

I.D. No. PSC-20-22-00011-P

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

Proposed Action: The Commission is considering a petition filed by Heritage Wind, LLC for a lightened regulatory regime regarding a 184.8 MW wind electric generating facility in Orleans 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 wind electric generating facility.

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

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Heritage Wind, LLC (Heritage Wind) on April 14, 2022 requesting a lightened regulatory regime in connection with the approximately 184.8 MW wind electric generating facility that Heritage Wind is developing in Orleans County, New York.

Heritage Wind 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. Heritage Wind 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-0204SP1)

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

Electric Metering Equipment

I.D. No. PSC-20-22-00012-P

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

Proposed Action: The Commission is considering a petition filed by Dent Instruments, Incorporated for to use the PowerScout Multi-Circuit Power Submeter in electric submetering applications.

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

Subject: Electric metering equipment.

Purpose: To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on March 30, 2022, by DENT Instruments, Incorporated to use the PowerScout Multi-Circuit Power Submeter in residential electric submetering applications in New York State.

The Commission's regulations require new types of electric meters and associated devices used to measure a customer's electric usage to be tested and approved by the Commission before being used for customer billing purposes. The applications must conform to the requirements of 16 NYCRR § 93.6.

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

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

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

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

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

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

(22-E-0179SP1)

Department of Taxation and Finance

NOTICE OF ADOPTION

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-08-22-00001-A

Filing No. 331

Filing Date: 2022-05-03

Effective Date: 2022-05-03

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

Action taken: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period April 1, 2022 through June 30, 2022.

Text or summary was published in: the February 23, 2022 issue of the Register, I.D. No. TAF-08-22-00001-P.

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

Text of rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.ny.gov

Assessment of Public Comment

The agency received no public comment.

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

Fuel Use Tax on Motor Fuel and Diesel Motor Fuel and the Art. 13-A Carrier Tax Jointly Administered Therewith

I.D. No. TAF-20-22-00013-P

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

Proposed Action: Amendment of section 492.1(b)(1) of Title 20 NYCRR.

Statutory authority: Tax Law, sections 171, subd. First, 301-h(c), 509(7), 523(b) and 528(a)

Subject: Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith.

Purpose: To set the sales tax component and the composite rate per gallon for the period July 1, 2022 through September 30, 2022.

Text of proposed rule: Pursuant to the authority contained in subdivision First of section 171, subdivision (c) of section 301-h, subdivision 7 of section 509, subdivision (b) of section 523 and subdivision (a) of section 528 of the Tax Law, the Acting Commissioner of Taxation and Finance, being duly authorized to act due to the vacancy in the office of the Commissioner of Taxation and Finance, hereby proposes to make and adopt the following amendments to the Fuel Use Tax Regulations, as published in Article 3 of Subchapter C of Chapter III of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Section 1.

Paragraph (1) of subdivision (b) of section 492.1 of such regulations is amended by adding a new subparagraph (cvii) to read as follows:

Motor Fuel			Diesel Motor Fuel		
Sales Tax Component	Composite Rate	Aggregate Rate	Sales Tax Component	Composite Rate	Aggregate Rate
(cvi) April – June 2022					
16.0	24.0	41.3	16.0	24.0	39.55
(cvii) July – September 2022					
16.0	24.0	41.3	16.0	24.0	39.55

Text of proposed rule and any required statements and analyses may be obtained from: Kathleen D. Chase, Regulations Specialist, Department of Taxation and Finance, Office of Counsel, Building 9, W.A. Harriman Campus, Albany, NY 12227, (518) 530-4153, email: kathleen.chase@tax.ny.gov

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

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

Regulatory Impact Statement, 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.

Workers' Compensation Board

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

Sacroiliac Joint (SIJ) Fusion and Peripheral Nerve Stimulation

I.D. No. WCB-20-22-00002-EP

Filing No. 325

Filing Date: 2022-04-29

Effective Date: 2022-04-29

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

Proposed Action: Amendment of section 324.3 of Title 12 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The amendment of 12 NYCRR 324.3 is adopted as an emergency measure because the Board wants to ensure that sacroiliac joint (SIJ) fusion and peripheral nerve stimulation are not performed unnecessarily, and that if and when it is medically necessary, then prior authorization has been obtained. This is necessary for the public health and safety in order to protect injured workers from having SIJ fusion surgery or peripheral nerve stimulation performed when they are not medically necessary, as these are procedures that carry with them multiple inherent risks, and that are therefore only clinically indicated in highly select patients. The Medical Treatment Guidelines also reflect this.

Subject: Sacroiliac joint (SIJ) fusion and peripheral nerve stimulation.

Purpose: To add SIJ fusion and peripheral nerve stim to the list of Special Services requiring prior authorization to conform to the MTGs.

Text of emergency/proposed rule: Paragraph (1) of subdivision (a) of section 324.3 of Title 12 NYCRR is hereby amended to read as follows:

(a) Treating medical providers.

(1) Applicability

(i)(a) When a treating medical provider determines that medical care that varies from the Medical Treatment Guidelines, such as when a treatment, procedure, or test is not recommended by the Medical Treatment Guidelines, appropriate for the claimant and medically necessary, he or she shall request a variance from the insurance carrier, self-insured employer, or third party administrator by submitting a prior approval request (PAR: MTG Variance) (hereinafter "PAR") in the format prescribed by the chair for such purpose, which may be electronic.

(b) In addition, prior authorization for the following special services (PAR: Special Services) is required:

(1) Lumbar fusion as set forth in E.4 of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(2) Artificial disc replacement as set forth in E.5 of the New York Mid and Low Back Injury Medical Treatment Guidelines, and in E.3 of the New York Neck Injury Medical Treatment Guidelines;

(3) Vertebroplasty as set forth in E.6.a.i. of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(4) Kyphoplasty as set forth in E.6.a.i. of the New York Mid and Low Back Injury Medical Treatment Guidelines;

(5) Electrical bone stimulation as set forth in the New York Mid and Low Back Injury Medical Treatment Guidelines and the New York Neck Injury Medical Treatment Guidelines;

(6) Osteochondral autograft as set forth in D.1.f and Table 4 of the New York Knee Injury Medical Treatment Guidelines;

(7) Autologous chondrocyte implantation as set forth in D.1.f., Table 5, and D.1.g. of the New York Knee Injury Medical Treatment Guidelines;

(8) Meniscal allograft transplantation as set forth in D.6.f., Table 8, and D.7. of the New York Knee Injury Medical Treatment Guidelines;

(9) Knee arthroplasty (total or partial knee joint replacement) as set forth in F.2. and Table 11 of the New York Knee Injury Medical Treatment Guidelines;

(10) Spinal Cord Pain Stimulators as set forth in G.1 of the Non-Acute Pain Medical Treatment Guidelines; [and,]

(11) Intrathecal Drug Delivery (Pain Pumps) as set forth in G.2 of the Non-Acute Pain Medical Treatment Guidelines[.];

(12) Sacroiliac joint (SIJ) fusion as set forth in E.8 of the Mid and Low Back Medical Treatment Guidelines; and

(13) Peripheral Nerve Stimulation (PNS) as set forth in G.2 of the Non-Acute Pain Medical Treatment Guidelines.

(c) Notwithstanding that a surgical procedure is consistent with the guidelines, a second or subsequent performance of such surgical procedure shall require a variance if it is repeated because of the failure or incomplete success of the same surgical procedure performed earlier, and if the Medical Treatment Guidelines do not specifically address multiple procedures.

(d) This section shall not apply to prior authorization requests from the formulary, as set forth in Part 441 of this chapter, or the durable medical equipment fee schedule, as set forth in Part 442 of this chapter.

(ii) A PAR must be requested and granted by the carrier, self-insured employer, or third-party administrator, the Board or order of the Chair before medical care that varies from the Medical Treatment Guidelines or special service is provided to the claimant and the carrier, self-insured employer, or third-party administrator may deny the PAR and deny payment of the treatment requested if the treatment is rendered prior to the PAR being granted by the carrier, self-insured employer, third-party administrator, the Board or order of the Chair.

(iii) For the purposes of this section, a treating medical provider

shall not include a physician assistant, acupuncturist, physical therapist, or occupational therapist, as defined in section 13-b.

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 July 27, 2022.

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

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

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

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

Regulatory Impact Statement

1. **Statutory Authority:** Workers' Compensation Law (WCL) § 117(1) and 142 authorizes the Chair of the Workers' Compensation Board (Board) to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. **Legislative Objectives:** In keeping with the goals and powers of the New York State Workers' Compensation Board (Board) to provide quality and efficient care to injured workers, the emergency adoption and permanent proposal seeks to add sacroiliac joint (SIJ) fusion and peripheral nerve stimulation (PNS) to the list of Special Services requiring prior authorization.

3. **Needs and Benefits:** The emergency adoption and permanent proposal is necessary for the health and safety of injured workers because, while these procedures are clinically indicated and necessary in highly select patients, they do carry with them multiple inherent risks, and it is imperative to guard against exposure of patients to these risks in the context of having these procedures performed unnecessarily. The prior authorization process allows the procedures to be performed when they are clinically indicated and ensures that they are medically necessary. The Medical Treatment Guidelines will reflect this, as well.

4. **Costs:** The Board anticipates that there should be no added costs, as the proposal is simply changing the mechanism for how these surgeries are requested. The change utilizes an existing mechanism to provide injured workers access to procedures that they have largely not had access to previously.

5. **Local Government Mandates:** The proposed amendments do not impose any additional program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district – they simply add SIJ fusion and peripheral nerve stimulation to the list of Special Services.

6. **Paperwork:** The regulatory proposal requires additional paperwork in that SIJ fusion and peripheral nerve stimulation are being added to the list of Special Services requiring prior authorization, so providers will need to fill out a prior authorization request (PAR) for these procedures when medically necessary.

7. **Duplication:** The proposal does not duplicate other regulatory initiatives.

8. **Alternatives:** An alternative would be to leave the current regulations in place and not add these procedures to the list of Special Services. However, the Board believes that the clarity as to how these requests will be reviewed is necessary to ensure that only injured workers who need the procedures get them. The proposal also serves to ensure that injured workers who need the procedures are not prevented from receiving them.

9. **Federal Standards:** There are no applicable Federal Standards.

10. **Compliance Schedule:** The emergency adoption takes effect immediately upon filing to ensure that injured workers are protected and that these procedures are not performed unnecessarily, and to provide a mechanism for these procedures to be performed when prior authorization is obtained.

Regulatory Flexibility Analysis

1. **Effect of rule**

The emergency adoption and permanent proposal seeks to add sacroiliac joint (SIJ) fusion surgery and peripheral nerve stimulation to the list of Special Services requiring prior authorization.

2. **Compliance requirements**

Authorized providers will need to submit a prior authorization request (PAR) in order to perform SIJ fusion surgery and peripheral nerve stimulation.

3. **Professional services**

It is believed that no professional services will be needed by small businesses or local governments to comply with this emergency adoption and proposal.

4. **Compliance costs**

Compliance with the proposed regulations should not impose compli-

ance costs on small businesses or local governments, as this emergency adoption and proposed rulemaking adds SIJ fusion surgery and peripheral nerve stimulation to the list of Special Services requiring prior authorization, and authorized medical providers already have to do this for many procedures. The Board anticipates that there should be no added costs, as the proposal is simply changing the mechanism for how these procedures are requested.

5. **Economic and technological feasibility**

Compliance with the proposal is economically and technologically feasible for small businesses and local governments, because PARs already exist in the regulations – the emergency adoption and proposal simply adds two more procedures to the list of Special Services requiring prior authorization.

6. **Minimizing adverse impact**

The emergency adoption is being filed to ensure that authorized providers do not perform these procedures unnecessarily – adding it to the list of Special Services ensures it is available if it is medically necessary while making it clear that they are only clinically indicated for highly select patients.

7. **Small business and local government participation**

The Board does not have a small employer or municipality database but has sent an electronic communication describing the emergency adoption and proposal to health care provider subscribers for Board updates on April 15, 2022.

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

Rural Area Flexibility Analysis

1. **Types and estimated numbers of rural areas:**

The emergency adoption and proposed rulemaking adds sacroiliac joint (SIJ) fusion surgery and peripheral nerve stimulation to the list of Special Services requiring prior authorization. Authorized medical providers across New York State, including rural areas, must request prior authorization before performing this surgery.

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

The same compliance and recordkeeping requirements apply to rural areas as metropolitan ones. Prior authorization requests (PARs) must be submitted in order to perform SIJ fusion surgery and/or peripheral nerve stimulation on an injured worker, which requires that it be medically necessary.

No special professional services should be required by rural or any other areas.

3. **Costs:**

The Board anticipates that there should be no added costs, as the proposal is simply changing the mechanism for how these surgeries are requested.

4. **Minimizing adverse impact:**

The emergency adoption is being filed to ensure that authorized providers do not perform these procedures unnecessarily – adding them to the list of Special Services ensures it is available if it is medically necessary while making it clear that it is only clinically indicated in highly select patients.

5. **Rural area participation:**

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

Job Impact Statement

A Job Impact Statement is not required because the emergency adoption and proposal will not have any impact on jobs or employment opportunities. The emergency adoption and proposal add sacroiliac joint fusion and peripheral nerve stimulation to the list of Special Services requiring prior authorization.

**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	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) Zoom—June 15, 2022, 11:00 a.m. Link: https://zoom.us/j/91822156772?pwd=OHJUbjQwV3RPL3JUZXVD0XF4NmZuUT09 Meeting ID: 918 2215 6772 Passcode: 672220 Call In: +1 646 558 8656 US (New York)
EDU-13-22-00028-P	The disability classification “emotional disturbance”	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)
EDU-13-22-00029-P	Special education due process system procedures	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) Zoom—June 15, 2022, 10:00 a.m. Link: https://zoom.us/j/91822156772?pwd=OHJUbjQwV3RPL3JUZXVD0XF4NmZuUT09 Meeting ID: 918 2215 6772 Passcode: 672220 Call in: +1 646 558 8656 US (New York)
Environmental Conservation, Department of		
ENV-20-22-00003-P	Solid Waste Management Regulations	Electronic Webinar—July 19, 2022, 2:00 p.m. Electronic Webinar—July 19, 2022, 6:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for the 6 NYCRR Part 360 Series, Part 371 and Part 377 by May 18, 2022. The proposed regulations webpage may be accessed at: https://www.dec.ny.gov/regulations/125274.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 360 Series public comment hearing.

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than Tuesday, July 5, 2022. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Jennifer Ukeritis at: ohms@dec.ny.gov

Long Island Power Authority

LPA-17-22-00011-P	Access to records and fees collected under the Freedom of Information Law	Virtual Public Meeting—June 27, 2022, 10:00 a.m. Virtual Public Meeting—June 27, 2022, 6:00 p.m.
LPA-17-22-00012-P	COVID-19 arrears forgiveness and low-income customer discount eligibility	Virtual Public Meeting—June 27, 2022, 10:00 a.m. Virtual Public Meeting—June 27, 2022, 6:00 p.m.
LPA-17-22-00013-P	Time-of-use rate options for commercial customers	Virtual Public Meeting—June 27, 2022, 10:00 a.m. Virtual Public Meeting—June 27, 2022, 6:00 p.m.
LPA-17-22-00014-P	LIPA’s delivery service adjustment cost recovery rider	Virtual Public Meeting—June 27, 2022, 10:00 a.m. Virtual Public Meeting—June 27, 2022, 6:00 p.m.
LPA-17-22-00015-P	The start date of LIPA’s smart meter opt-out fee	Virtual Public Meeting—June 27, 2022, 10:00 a.m. Virtual Public Meeting—June 27, 2022, 6:00 p.m.

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.
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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
CANNABIS MANAGEMENT, OFFICE OF			
OCM-46-21-00010-RP	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.
CFS-18-22-00008-P	05/04/23	Expanded eligibility for child care assistance	To expand eligibility for child care assistance in accordance with Social Services Law 410-w
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-10-22-00008-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
CVS-19-22-00001-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00002-P	05/11/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-22-00003-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00004-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00005-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00006-P	05/11/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-19-22-00007-P	05/11/23	Jurisdictional Classification	To delete a position from the exempt class and to delete positions from and classify positions in the non-competitive class
CVS-19-22-00008-P	05/11/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-19-22-00009-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00010-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00011-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00012-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00013-P	05/11/23	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-19-22-00014-P	05/11/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-19-22-00015-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
CMC-15-22-00007-EP	04/13/23	Segregated confinement	Set minimum standards for the imposition of segregated confinement and the operation of RRUs in jails
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.
CCS-16-22-00002-P	04/20/23	Limits On Administrative Expenses And Executive Compensation	To remove outdated references in the Department's regulations
CCS-16-22-00003-EP	04/20/23	Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs	To revise regulations to be in compliance with the new HALT legislation and applicable laws
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.
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-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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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
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	To address the rotational selection process for assignment of IHOs to due process complaints; clarify language regarding IHO findings of fact and decisions; and address how IHOs must handle conflicts of interest
EDU-17-22-00005-P	04/27/23	Continuing education (CE) requirements for psychologists, social workers and mental health practitioners.	To require such professionals to complete three CE credits on issues related to maintaining appropriate professional boundaries.
EDU-17-22-00006-P	04/27/23	Registration requirements for residency programs and residency certificate requirements	To establish registration requirements for residency programs and to revise residency certificate requirements.
EDU-17-22-00007-P	04/27/23	Remote instruction and its delivery under emergency conditions	Permits districts to provide remote instruction if they would otherwise close due to an emergency and count such instructional days towards minimum requirements, define remote instruction and require public schools to plan for providing remote instruction

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-17-22-00008-EP	04/27/23	General Comprehensive Examination Sub-tests and Grandfathering of Prior Passing Scores	To permit candidates for the high school equivalence (HSE) diploma to apply passing sub-test(s) scores from the TASC as passing score(s) for up to three corresponding sub-test(s) of the approved HSE examination.
EDU-17-22-00009-EP	04/27/23	Licensure requirements for professional engineers.	To implement Chapter 465 of the Laws of 2021 relating to licensure requirements for professional engineers.
EDU-17-22-00010-P	04/27/23	State Aid for Public Library Systems, School Library Systems and Reference and Research Library Resource Councils	To align the Commissioner’s regulations with Chapters 563 and 322 of the Laws of 2021.
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-P	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00003-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
SBE-16-22-00004-EP	04/20/23	Providing deadlines for entering voter history and providing list of affidavit voters.	To conform regulatory provisions to canvassing provisions provided for by amendments to Election Law Section 9-209.
SBE-16-22-00005-EP	04/20/23	Removing gender matching from the comparison of voter registration records against the records of the Dept of Motor Vehicles.	To ensure that voter matches can occur as provided for by law as a result of Chapter 158 of Laws of 2021.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-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
ENV-20-22-00001-EP	05/18/23	Regulations governing recreational fishing of summer flounder.	To revise regulations concerning the recreational harvest of summer flounder in New York State.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-20-22-00003-P	07/19/23	Solid Waste Management Regulations	Amend the rules that implement the solid waste program in New York State to incorporate changes in law and implementation.
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-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.
GENERAL SERVICES, OFFICE OF			
GNS-19-22-00026-P	05/11/23	Charitable Contributions Thru State Employees Federated Appeals	To reflect efficiencies offered by modern business processes.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-46-21-00005-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
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
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
LPA-17-22-00011-P	06/27/23	Access to records and fees collected under the Freedom of Information Law.	To make necessary technical updates and to conform with FOIL regarding collection of fees.
LPA-17-22-00012-P	exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility.
LPA-17-22-00013-P	exempt	Time-of-use rate options for commercial customers	To offer a new TOU rate option for commercial customers that is aligned with industry best practices.
LPA-17-22-00014-P	exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-17-22-00015-P	..... exempt	The start date of LIPA's smart meter opt-out fee	To update the start date of the smart meter opt-out fee due to early completion of the smart meter rollout.
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.
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-ERP	..... 12/01/22	Telehealth Expansion	To establish regulations regarding the expansion of telehealth
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-22-00008-EP	..... 04/20/23	Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & ts affiliates and subsidiaries.	To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
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-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
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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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gypsy Trail Club, Inc.'s long-term financing agreements	To exempt Gypsy 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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff’s electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company’s request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants’ request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.’s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*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)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.
*PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
*PSC-42-20-00008-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water’s service.	To determine if approving the DPS Staff’s recommendations is in the public interest.
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation’s Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-51-20-00009-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-16-21-00007-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-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility.	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest.
PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-21-00008-P	..... exempt	Cost allocation for project(s) to meet a Public Policy Transmission Need/Public Policy Requirement.	To address the cost allocation methodology for use by the New York Independent System Operator, Inc. (NYISO).
PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp.	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest.
PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY.	To address the proposed transfer and any matters within the public interest.
PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics.	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits.
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers.	To shift EV charging to moderate grid impacts and customer costs.
PSC-29-21-00004-P	..... exempt	Exemptions from utility standby rates for efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated.	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access.
PSC-47-21-00005-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program.	To consider the proposed administration and implementation related to disbursement of customer bill credits.
PSC-50-21-00011-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-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.
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-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-01-22-00015-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
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.

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-15-22-00002-P	..... exempt	Consider Staff Proposal on definitions and procedures for customers to receive credits and reimbursements.	To ensure customers receive credits and reimbursements paid by the utility for service outages..
PSC-15-22-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-15-22-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-15-22-00005-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Wallkill.
PSC-16-22-00007-P	..... exempt	Transfer of street lighting facilities.	To consider the transfer of street lighting facilities to the Town of Sand Lake.
PSC-17-22-00001-P	..... exempt	Review of proposed modifications/ adjustments to RDMs.	To clarify and correct Central Hudson's RDM for certain service classifications.
PSC-17-22-00002-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-17-22-00003-P	..... exempt	A debt financing arrangement with respect to a proposed solar generating facility.	To consider the requested financing arrangement and what regulatory conditions should apply.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.
PSC-18-22-00003-P	..... exempt	Adjustments to the the Revenue Decoupling Mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-22-00004-P	..... exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if Con Edison should use an ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-18-22-00005-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-18-22-00006-P	..... exempt	Adjustments to the Revenue Decoupling Mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-18-22-00007-P	..... exempt	Extension of deadline.	Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units.
PSC-19-22-00021-P	..... exempt	Brooklyn Clean Energy Hub and cost recovery.	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation.
PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff.	To either eliminate or waive a provision of the Standby Service Offset Tariff.
PSC-19-22-00023-P	..... exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if O&R should use an ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-19-22-00024-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-19-22-00025-P	..... exempt	Application of PSL provisions to Xerox as an electric corporation and water-works corporation.	To consider whether Xerox should be exempt from PSL provisions, including requirements for full reports and keeping accounts.
PSC-20-22-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-20-22-00005-P	..... exempt	Proposed tariff amendment to eliminate references to mercury vapor lamps and to add LED lamps.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-20-22-00006-P	..... exempt	Electric metering equipment.	To consider use of electric meter and ensure that consumer bills will be based on accurate measurements of electric usage.
PSC-20-22-00007-P	..... exempt	A debt financing arrangement with respect to a proposed electric transmission project.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-20-22-00008-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-20-22-00009-P	..... exempt	Modify lease of utility property.	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line.
PSC-20-22-00010-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-20-22-00011-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-20-22-00012-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.
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
DOS-16-22-00001-EP	..... 04/20/23	Ventilation Requirements	To provide an additional 6 months for appearance enhancement businesses to comply with existing ventilation standards
STATE UNIVERSITY OF NEW YORK			
SUN-24-21-00002-EP	..... 06/16/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-20-22-00013-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 July 1, 2022 through September 30, 2022.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-01-22-00001-EP	..... 01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
TDA-13-22-00023-P	..... 03/30/23	Repeal of state regulations implementing the limits on the use of state funds or state-authorized payments for administrative expenses and executive compensation set forth in Executive Order No. 38, signed by Governor Andrew M. Cuomo on January 18, 2012	To update state regulations consistent with the repeal, cancellation and revocation of EO No. 38 in its entirety pursuant to EO No. 6, signed by Governor Kathy Hochul on October 8, 2021.
TRANSPORTATION, DEPARTMENT OF			
TRN-18-22-00001-P	..... 05/04/23	Regulation of commercial motor carriers in New York State.	To repeal or modify obsolete provisions, make technical changes, and implement non-discretionary statutory provisions.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
WCB-28-21-00009-RP	..... 07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances
WCB-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
WCB-20-22-00002-EP 05/18/23	Sacroiliac joint (SIJ) fusion and peripheral nerve stimulation	To add SIJ fusion and peripheral nerve stim to the list of Special Services requiring prior authorization to conform to the MTGs

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SEALED BIDS

REPAIR ROOFS A/B/B1 Saratoga Military Museum Saratoga Springs, Saratoga County

Sealed bids for Project No. 47110-C, comprising a contract for Construction Work, Repair Roofs, A, B & B1, Saratoga Military Museum, State Armory, 61 Lake Avenue, Saratoga Springs (Saratoga County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, June 8, 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 \$56,600 for C.

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

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

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

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

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

The substantial completion date for this project is 456 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on May 25, 2022, at 61 Lake Avenue, Saratoga Springs, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Patrick Szabo (518-461-8662) a minimum of 24 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 24 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Department of Environmental Conservation
625 Broadway
Albany, NY 12233

MUNICIPALITIES, SOIL AND WATER CONSERVATION DISTRICTS, REGULATED MUNICIPAL MS4 OPERATORS
Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grant

Applications will be accepted through 4:00 PM on July 29, 2022 for Non-Agricultural Nonpoint Source Planning and Municipal Separate Storm Sewer System (MS4) Mapping Grants for the initial planning of non-agricultural nonpoint source water quality improvement projects, and MS4 mapping. Up to \$3 million is available in 2022.

Funding is available for the following grant categories:

- Nonpoint Source Planning Reports
 - Description: The program aims to prepare nonpoint source projects for construction and application for implementation funding.
 - Maximum Award: Grants of up to \$30,000 are available to finance planning services to produce project planning reports, as outlined in each category. Grants of up to \$75,000 are available for comprehensive stream corridor studies.
 - Require Match: 10% of award amount
 - Eligible Applicants: Municipalities, Soil and Water Conservation Districts (excluding Decentralized Wastewater Treatment Facilities for Failing On-Site Treatment Systems)
 - Planning Report Categories: Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems; Green Infrastructure; Stormwater Retrofits; Streambank/Shoreline Stabilization; Comprehensive Stream Corridor Assessment; Stream Sediment and Debris Management Plans; In-Waterbody Controls for Nutrients; Bathing Beach Restoration; Stream Culvert Repair and Replacement
- MS4 Mapping
 - Description: Funding can be used to complete comprehensive stormwater system maps. This program category encourages and supports cooperation among regulated MS4s to complete mapping of their stormwater system.
 - Maximum Award: For MS4 Operators applying as a collaborative, grants of up to \$30,000 per municipality with a maximum grant award of up to \$400,000 per MS4 collaborative are available. For MS4 Operators that must apply alone, there is a maximum grant award of \$75,000.
 - Required Match: 10% of award amount
 - Eligible Applicants: Regulated Municipal MS4 Operators, Soil and Water Conservation Districts on behalf of regulated MS4 Operators

The NPG Program Overview and other grant information are available on the Department of Environmental Conservation website at: <https://www.dec.ny.gov/pubs/116725.html>

Applications must be completed and submitted through the Consolidated Funding Application: <https://apps.cio.ny.gov/apps/cfa/>

Department of Environmental Conservation
625 Broadway
Albany, NY 12233

MUNICIPALITIES, SOIL AND WATER CONSERVATION DISTRICTS, NOT-FOR-PROFIT CORPORATIONS
Water Quality Improvement Project (WQIP) Grants

Applications will be accepted through 4:00 PM on July 29, 2022 for Water Quality Improvement Project (WQIP) grants to implement projects that directly improve water quality or aquatic habitat, or protect a drinking water source.

WQIP is a competitive, statewide reimbursement grant program. At least \$75 million is available.

It is highly recommended that all potential WQIP applicants read the WQIP Program Overview, particularly the section for their project type, in its entirety before applying for WQIP funding.

Funding is available for the following project types:

- Wastewater Treatment Improvement
 - Description: Funding is available for wastewater treatment improvements to municipal wastewater systems.
 - Maximum Award: \$1,000,000 to \$10,000,000 depending on project subtype and population
 - Required Match: 25% to 60% of award amount depending on project subtype priority
 - Eligible Applicants: Municipalities
 - Project Subtypes: Wastewater Effluent Disinfection; Combined Sewer Overflow / Sanitary Sewer Overflow; Watershed Plan Implementation; Municipal Systems to Serve Multiple Properties with Inadequate On-site Septic Systems; Wastewater Treatment Facility Nitrogen Abatement for Shellfishing Waters; Other Wastewater Treatment Improvements
- Non-Agricultural Nonpoint Source Abatement and Control
 - Description: Funding is available for non-agricultural nonpoint source projects or programs that directly improve water quality or protect a drinking water source.
 - Maximum Award: \$500,000 to \$4,000,000 depending on project subtype
 - Required Match: 25% of award amount
 - Eligible Applicants: Municipalities, Soil and Water Conservation Districts
 - Project Subtypes: Decentralized Municipal Wastewater Treatment Facilities for Failing On-Site Treatment Systems; Green Infrastructure Practices; Stormwater Retrofits; Streambank / Shoreline Stabilization and Riparian Buffers; In-Waterbody Controls for Nutrients; Bathing Beach Restoration; Stream Culvert Repair and Replacement; Vacuum Trucks in MS4 Areas; Nonpoint Source Program (multiple projects or locations that impact multiple waterbody segments)
- Land Acquisition for Source Water Protection
 - Description: Funding is available to purchase land, including associated transactional, riparian buffer, or groundwater recharge area restoration costs for the purpose of protecting public surface or groundwater drinking water supplies.
 - Maximum Award: \$5,000,000
 - Required Match: 25% of award amount

o Eligible Applicants: Municipalities, Soil and Water Conservation Districts, Not-for-profit Corporations

- Salt Storage

o Description: Funding is available for projects to construct a permanent structure to cover a salt or a salt/sand mixture storage pile.

o Maximum Award: \$500,000

o Required Match: 50% of award amount

o Eligible Applicants: Municipalities, Soil and Water Conservation Districts

- Aquatic Connectivity Restoration

o Description: Funding is available for projects that improve aquatic habitat connectivity at road/stream crossings or dams.

o Maximum Award: \$250,000

o Required Match: 25% of award amount

o Eligible Applicants: Municipalities; Soil and Water Conservation Districts; Not-for-profit Corporations

- Marine District Habitat Restoration

o Description: Funding is available for projects that improve the ecological condition of waters within the state's marine district with the intent to support a spawning, nursery, wintering, migratory, breeding, or foraging environment for fish and wildlife, and other biota.

o Maximum Award: \$750,000

o Required Match: 25% of award amount

o Eligible Applicants: Municipalities; Soil and Water Conservation Districts; Not-for-profit Corporations

Applications are ineligible that:

- Do not improve water quality, aquatic habitat, or protect a drinking water source

- Are only seeking funds for studies, planning, or design

- Do not include required attachments (view the section for your project type for a full list of required attachments)

- Do not meet the requirements for that project type or subtype

- Are from not-for-profit organizations that are neither registered nor have a current prequalification in Grants Gateway as of the application deadline

- Fail to meet the minimum scoring criteria as detailed for each project type in this Program Overview. A project must receive a score of at least 30 to be eligible for funding

- Do not show match and a match source, or use ineligible match sources; or

- Are seeking funds for costs incurred before May 2, 2022 unless the project is a Land Acquisition for Source Water Protection Project/Program

The WQIP Program Overview and other grant information are available on the Department of Environmental Conservation website at: <https://www.dec.ny.gov/pubs/4774.html>

Applications must be completed and submitted through the Consolidated Funding Application: <https://apps.cio.ny.gov/apps/cfa/>

- Energy Efficiency

- Water Efficiency

- Environmental Innovation

The Program Overview for the GIGP can be found on EFC's website at: <https://www.efc.ny.gov/GIGP>

Engineering Planning Grant

EFC will offer grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects. Up to \$3 million has been made available for this round of the Wastewater Infrastructure Engineering Planning Grant (EPG) program.

The goal of the EPG program is to encourage communities to advance water quality projects to the design stage, and ultimately construction, by funding the development of an engineering report. This allows the community to seek financing through the CWSRF program or funding from other sources.

The Program Overview for the EPG program can be found on EFC's website at: www.efc.ny.gov/epg

Application Due Date:

Applications for both grant programs must be submitted through the Consolidated Funding Application website at: <https://apps.cio.ny.gov/apps/cfa/index.cfm> by 4:00 p.m., July 29, 2022.

Webinar:

EFC will host a webinar to present the GIGP and EPG programs on June 15, 2022 at 10:00 am. A recording of the webinar will be available on EFC's website for those who cannot attend the live webinar. This event will provide an overview of GIGP and EPG, as well as guidance on how to apply for grant funds. There will also be an opportunity to ask questions. You may register for the webinar on EFC's website at: www.efc.ny.gov

CONTACTS:

If you have questions on either program, please email: Brian.Hahn@efc.ny.gov or contact: Brian Hahn, Division of Engineering, Environmental Facilities Corporation at the above address or call (518) 402-6924, FAX: (518) 402-6954

GREEN INNOVATION GRANT PROGRAM

Funding Available: \$15 million

The New York State Environmental Facilities Corporation (EFC) will offer grants to help pay for certain projects that improve water quality and mitigate the effects of climate change through the Green Innovation Grant Program (GIGP). The GIGP grants are awarded on a competitive basis to projects that will implement one or more of the following green practices (Green Practice(s)):

Green Stormwater Infrastructure

Energy Efficiency

Water Efficiency

Environmental Innovation

GIGP projects selected for funding maximize opportunities to leverage the multiple benefits of green infrastructure, energy efficiency, water efficiency, and environmental innovation to build capacity in these fields and facilitate the transfer of new technologies and practices to other areas of the State.

PROGRAM PRIORITIES:

Climate Change Mitigation: Projects that implement one of the eligible Green Practices to reduce the effects of greenhouse gases and/or support clean energy initiatives.

Environmental Justice: Projects that use Green Practices to advance the fair treatment and meaningful involvement of all people regardless of race, income, national origin or color, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Integration: Water infrastructure projects that integrate green stormwater infrastructure into traditional gray infrastructure projects to demonstrate the value of water quality improvements to the community and ecosystem to provide water quality benefits). The planning process for such projects should include the evaluation of

Department of Environmental Conservation

625 Broadway
Albany, NY 12233

MUNICIPALITIES; PRIVATE ENTITIES; STATE AGENCIES;
SOIL AND WATER CONSERVATION DISTRICTS; PUBLIC-
OWNED TREATMENT WORKS (POTW)

Green Innovation Grant Program

The New York State Environmental Facilities Corporation (EFC) is pleased to announce the availability of \$15 million in grant funding through the Green Innovation Grant Program (GIGP). The GIGP grants are awarded on a competitive basis to projects that will implement one or more of the following green practices (Green Practice(s)):

- Green Stormwater Infrastructure

important community benefits such as economic opportunity, climate action, and water equity.

Natural Restoration: Projects that demonstrate the effectiveness of green stormwater infrastructure in a natural environment, such as flood plains, riparian buffers, streams, and wetlands.

Transformation: Larger transformative projects that utilize Green Practices to provide multiple environmental, economic, and social benefits. These projects align with larger goals of the community or region.

FUNDING OVERVIEW: Up to \$15 million will be available for several types of grants that range from a minimum of 50% up to a maximum of 90% of total eligible project costs up to a maximum of \$3 million. The grant amount is determined based on the eligible project costs as estimated in the application for planning, design, and construction. See below for more information on types of grants.

Funding will be provided to projects to the extent that funds are available based on the evaluation criteria, including the specific green practice, water quality impacts of the project, and financial need of the municipality. EFC, in its sole discretion, may fund all or a portion of an eligible project and will determine the percentage amount available for any project. A local match for the balance of the estimated project costs is required.

The maximum percentage available to fund a GIGP project will be determined based on the median household income (MHI) of the municipality in which the project is located and whether EFC determines the project serves, protects, or benefits an environmental justice (EJ) area. Projects in municipalities that meet the following Median Household Income (MHI)¹ criteria, or that serve, protect, or benefit an EJ area will be eligible to receive up to the maximum grant available for the Green Practice.

- Municipal MHI equal to or less than \$75,000 for communities in New York State, excluding the Long Island, New York City and Mid-Hudson Regions.
- Municipal MHI equal to or less than \$95,000 for communities in the Long Island, New York City and Mid-Hudson Regions.

All other projects will be eligible for a maximum grant up to the lesser grant available as set forth under “Funding” for each practice. If a project employs two types of Green Practices, EFC, at its sole discretion, will determine which maximum applies.

A summary of the funding available based on the type of green practice is below:

	GREEN STORMWATER INFRASTRUCTURE	ENERGY EFFICIENCY	WATER EFFICIENCY	ENVIRONMENT INNOVATION
Municipal MHI equal to or less than \$75,000 for communities in New York State, excluding the Long Island, New York City and Mid-Hudson Regions	Grant in an amount up to 90% of eligible project costs	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 75% of eligible project costs

Municipal MHI greater than \$75,000 for communities in New York State, excluding the Long Island, New York City and Mid-Hudson Regions	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 50% of eligible project costs	Grant in an amount up to 50% of eligible project costs	Grant in an amount up to 50% of eligible project costs
Municipal MHI equal to or less than \$95,000 for communities in the Long Island, New York City and Mid-Hudson Regions.	Grant in an amount up to 90% of eligible project costs	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 75% of eligible project costs
Municipal MHI greater than \$95,000 for communities in the Long Island, New York City and Mid-Hudson Regions.	Grant in an amount up to 75% of eligible project costs	Grant in an amount up to 50% of eligible project costs	Grant in an amount up to 50% of eligible project costs	Grant in an amount up to 50% of eligible project costs

Applicants may have no more than two active GIGP awards at the same time. An active GIGP award means a project has been awarded funding and is in construction and not completed. EFC, however, reserves the right to limit GIGP funding to one grant award per applicant. Applicants must prioritize projects if submitting more than one application.

EVALUATION CRITERIA: A project will be evaluated and scored based on the level to which it:

- Addresses EJ issues
- Establishes or restores natural features, ecology, and hydrology
- Implements measures that address climate change, including cooling the surrounding environment, mitigating urban heat islands, reducing air pollution, and reducing energy use
 - Is likely to succeed based on project development at time of application
 - Is anticipated to make measurable improvements to or protect water quality, including the applicant’s proposal for generating water quality metrics
 - Leverages additional resources through removing barriers to collaboration, developing new partnerships, utilizing staff, securing other funding and investments, and/or provides workforce development
 - Plans for the long-term operation, maintenance, and water quality of the project
 - Provides opportunities for the applicant to facilitate the transfer of new technologies, knowledge, and practices to other water quality issues and other regions of the State
 - Spurs innovation in the area of green stormwater infrastructure, energy efficiency, or water efficiency through the development and/or adoption of new technologies

EVALUATION CRITERIA

- 30% Planning
- 30% Water Quality Impact
- 40% Environmental Benefit

AWARDEE REQUIREMENTS (after Grant Award): Awardees must fulfill certain requirements to enter into a Grant Agreement with EFC, including, but not limited to:

- EFC Certificate for Procuring Architectural and Engineering (A/E) Services. All A/E services must be procured in accordance with 40 U.S.C 1101
- Single Audit compliance as defined in 2 CFR 200, subpart 7
- State environmental and historic preservation reviews, i.e., SEQR and SHPO
- Detailed final budget and plan of finance to show that sufficient funding has been secured for the full project cost.
- Proof of legal right to own, operate and maintain project for the duration of its useful life
 - Compliance with Minority/Women-Owned Business Enterprises (MWBE) requirements
 - Compliance with Disadvantaged Business Enterprises and Equal Employment Opportunity requirements
 - Compliance with Davis Bacon Wage and American Iron and Steel Requirements for Treatment Works Projects Only. Treatment Works Projects are any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances, only if they convey wastewater to a publicly owned treatment plant, and combined storm water and sanitary sewer systems.

GREEN STORMWATER INFRASTRUCTURE

SUMMARY: Green stormwater infrastructure projects improve water quality by reducing and treating stormwater at its source through infiltration and/or evapotranspiration. Green stormwater infrastructure projects selected for funding go beyond offering a greener solution. Green stormwater infrastructure practices treat rainwater as a valuable resource to be harvested and used on site or filtered and allowed to soak into the ground, recharging aquifers, rivers and streams. The plants used in green stormwater infrastructure help to cool our surroundings and improve air quality through the process of evapotranspiration. These Green Practices have multiple benefits, which include restoring habitat, protecting against flooding, providing cleaner air, and beautifying our streets to spur economic development and community revitalization.

FUNDING: The maximum percentage grant is up to 90% of eligible project costs for a green stormwater infrastructure project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an EJ area. All other green infrastructure projects are eligible to receive up to a maximum of 75% of total eligible project costs.

ELIGIBLE APPLICANTS:

- Municipalities
- Private Entities
- State Agencies
- Soil and Water Conservation Districts

ELIGIBLE ACTIVITIES:

Regional Green Stormwater Infrastructure projects utilize green stormwater infrastructure to restore natural landscape features, such as flood plains, riparian buffers, streams, and wetlands. These natural features provide water quality benefits and enhance watersheds, while preserving wildlife and their habitat.

Local Green Stormwater Infrastructure projects are typically located in an urban environment and consist of site and neighborhood specific practices, such as bioretention, cisterns, downspout disconnections, green roofs, green walls, permeable pavements, stormwater street trees, and urban forestry programs.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012).

APPLICATION REQUIREMENTS: All applicants must submit the following with their application:

- A Conceptual site plan
- Existing conditions plan
- Feasibility study
- Site photographs

Minimum content requirements for the feasibility study, conceptual site plan, and existing conditions plan, are included in the CFA and can also be found at: <https://efc.ny.gov/gigp-apply>. <https://efc.ny.gov/gigp-apply>.

Applicants should refer to the New York State Stormwater Management Design Manual: <http://www.dec.ny.gov/chemical/29072.html> for design guidance.

INELIGIBLE ACTIVITIES/COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Hardening, channelizing, or straightening streams and/or stream banks
- In-line and end-of-pipe treatment systems that only filter or detain stormwater
- Stormwater controls that have impervious or semi-impervious liners and provide no compensatory evapotranspirative or harvesting function for stormwater retention
- Stormwater conveyance systems that are not soil/vegetation based (swales) such as pipes and concrete channels
- Stormwater ponds that serve an extended detention function and/or extended filtration, including dirt-lined detention basins
- Underground stormwater control and treatment devices such as swirl concentrators, hydrodynamic separators, baffle systems for grit, trash removal/floatables, oil and grease, inflatable booms and dams for in-line underground storage and diversion of flows
- Practices implemented to comply with the requirements of the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002
- Wetland construction or restoration required as compensation (mitigation) for adverse impacts to wetlands or other environmental damage caused through construction activities
- Purchase of capital equipment such as street sweepers, sewer cleaners, and vector trucks
- Project costs not directly related to water quality, including asbestos abatement and site amenities, e.g., bus shelters, benches, light poles, traffic devices

ENERGY EFFICIENCY

SUMMARY: Energy Efficiency projects improve technologies and/or practices to reduce the energy consumption of water quality projects, use energy in a more efficient way, or produce/utilize renewable energy.

FUNDING: The maximum percentage grant is up to 75% of eligible project costs for an energy efficiency project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other energy efficiency projects are eligible to receive up to a maximum of 50% of total eligible project costs.

ELIGIBLE APPLICANTS: Publicly-Owned Treatment Works (POTW)

ELIGIBLE ACTIVITIES:

Renewable Energy projects such as wind, solar, micro-hydroelectric, and biogas combined heat and power systems (CHP) that provide power to a POTW. POTW renewable energy projects can be located onsite or offsite. These projects include the portion of a publicly owned renewable energy project that serves the POTW's energy needs. The project must feed into the grid from which the utility draws and/or must be directly connected to the grid.

Energy Efficient Replacement projects achieve at least a 25% reduction in energy consumption through the replacement of equipment with energy efficient equipment. These projects must compare the energy used by the existing system or unit process to the proposed project. The energy used by the existing system should be based on name plate data when the system was first installed, recognizing that

the old system is currently operating at a lower overall efficiency than at the time of installation. New POTW projects or capacity expansion projects should be designed to maximize energy efficiency and should select high efficiency premium motors and equipment where cost effective.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012)

APPLICATION REQUIREMENTS: All applicants must submit an engineering report consistent with the DEC/EFC Engineering Report Outline, and Flex Tech report if available, with their CFA.

INELIGIBLE ACTIVITIES / COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Renewable energy generation by a privately owned facility or the portion of a publicly owned renewable energy facility that does not provide energy to a POTW, either through a connection to the grid that the utility draws from and/or a direct connection to the POTW.
- Replacing a pump or other piece of equipment at the end of its useful life with equipment of average efficiency.
- Facultative lagoons, even if integral to an innovative treatment process.

WATER EFFICIENCY

SUMMARY: Water Efficiency projects use improved technologies and/or practices to deliver equal or better services with less water. Water efficiency encompasses conservation and reuse efforts, as well as water loss reduction and prevention, to protect water resources for the future. All water meters must be installed by a professional under contract with the applicant and may not be installed or coordinated by the homeowner.

FUNDING: The maximum percentage grant is up to 75% of eligible project costs for a water efficiency project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other water efficiency projects are eligible to receive up to a maximum of 50% of total eligible project costs.

ELIGIBLE APPLICANTS: Municipalities

ELIGIBLE ACTIVITIES:

Water Meter Installation projects provide for the purchase and installation of water meters in previously unmetered areas. These projects can include backflow prevention devices if installed in conjunction with water meters.

Water Meter Replacement projects include the replacement of existing broken/malfunctioning water meters or upgrading existing meters with automatic meter reading systems (AMR), smart meters, meters with built in leak detection, or backflow prevention devices if installed in conjunction with water meter replacement.

Water Meter Retrofit projects add AMR capabilities or leak detection equipment to existing meters (not replacing the meter itself).

Water Reuse projects recycle gray water, condensate, and wastewater effluent to reduce potable water consumption.

Eligible projects must meet or exceed requirements identified in USEPA Green Project Reserve guidance (published in 2012).

APPLICANT REQUIREMENTS: All applicants must submit an engineering report consistent with the DEC/EFC Engineering Report Outline with their CFA.

INELIGIBLE ACTIVITIES / COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Replacing drinking water distribution lines.
- Leak detection equipment for drinking water distribution systems.

ENVIRONMENTAL INNOVATION

SUMMARY: Environmentally Innovative projects include those that demonstrate new and/or innovative approaches to delivering services or managing water resources in a more sustainable way.

FUNDING: The maximum percentage grant is up to 75% of eligible project costs for a water efficiency project in a municipality that meets the MHI criteria, or that serves, protects, or benefits an environmental justice area. All other water efficiency projects are eligible to receive up to a maximum of 50% of total eligible project costs.

ELIGIBLE APPLICANTS: Municipalities

ELIGIBLE ACTIVITIES:

Adaptation projects that prepare for long term effects of climate change and/or extreme weather. These projects include the relocation of equipment or treatment facilities located in areas with a documented history of flooding.

Upgrades or Retrofits to a POTW that remove phosphorous for beneficial use, such as biofuel production with algae.

Implementation of asset management plans that meet DEC's guidelines. These capital projects must align with the objectives of the asset management plan to effectively manage infrastructure investments. Grants are limited to one grant per asset management plan.

INELIGIBLE ACTIVITIES / COSTS: Ineligible activities and costs include, but are not limited to, the following:

- Facultative lagoons, even if integral to an innovative treatment processes.
- Surface discharging decentralized wastewater systems where there are cost effective soil-based alternatives.
- Higher sea walls to protect POTW from sea level rise.
- Air scrubbers to prevent nonpoint source deposition.
- Reflective roofs at POTW to combat heat island effect.

ADDITIONAL RESOURCES:

For more GIGP program information, visit: <http://www.efc.ny.gov/gigp>

Wastewater Infrastructure Engineering Planning Grant Program

Funding Available: Up to \$3 million

Description

The New York State Environmental Facilities Corporation (EFC) will offer grants to municipalities to help pay for the initial planning of eligible Clean Water State Revolving Fund (CWSRF) water quality projects. Up to \$3 million has been made available for this round of the Wastewater Infrastructure Engineering Planning Grant (EPG) program.

Grants of up to \$100,000² are available to municipalities to fund engineering and planning activities to produce an engineering report.

The goal of the EPG program is to encourage communities to advance water quality projects to the design stage, and ultimately construction, by funding the development of an engineering report. This allows the community to seek financing through the CWSRF program or funding from other sources.

Eligible Applicants

Municipalities as defined in the Definitions section of this document with median household income (MHI):

- Equal to or less than \$75,000 according to the United States Census, 2019 American Community Survey³ for municipalities located in Regional Economic Development Council (REDC) regions of Capital District, Southern Tier, North Country, Mohawk Valley, Central NY, Finger Lakes, or Western NY; or
- Equal to or less than \$95,000 according to the United States Census, 2019 American Community Survey for municipalities located in REDC regions of Long Island, New York City, and Mid-Hudson.
- A municipality may have no more than two active EPG awards at the same time. An active EPG award means a project has been awarded funding but does not yet have an accepted engineering report.

Eligible Activities

A municipality must use EPG funding for the preparation of an engineering report⁴ for an eligible CWSRF project. This includes planning activities to determine the scope of water quality issues, evaluation of alternatives, and the recommendation of a capital improvement project. An environmental review for the recommended alternative is also an eligible activity. Design and construction costs are not eligible.

Funding priority will be given to municipalities whose planning activities are for a capital project:

- Required by an executed United States Environmental Protection Agency (EPA) Administrative Order, NYS Department of Environmental Conservation (DEC) Order on Consent; or

- Required by a DEC draft or final State Pollutant Discharge Elimination System (SPDES) permit (e.g. nutrient removal, inflow and infiltration, disinfection); or

- For upgrading or replacing an existing wastewater system; or
- For constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or
- Addressing a pollutant of concern in a watershed implementation plan (see Definitions section).

Report Requirements

The report must follow the current Engineering Report Outline for New York State Wastewater Infrastructure Projects, consider storm and flood resiliency (sea level rise, storm surge, potential for flooding impacts, or other extreme weather events)⁵, consider impacts on environmental justice (EJ) areas (see below), and include a comprehensive analysis of the following alternatives:

- No-action alternative.
- Green infrastructure, in combination with gray infrastructure or individually, is required for projects involving stormwater, including stormwater inflow to sewer systems. A justification must be provided if a green infrastructure component is not part of the recommended alternative.
- Repair or replacement versus new construction.
- Regional consolidation opportunities.
- Centralized versus decentralized (for new systems), or a combination thereof (small cluster or individual systems).

Any alternatives considered technically infeasible must be identified as such and the rationale briefly discussed.

Smart Growth alternative(s) must be considered and documented in the engineering report. For more information regarding Smart Growth see the Definitions section below.

Projects Affecting Water Quality in Environmental Justice Areas

New York State is committed to EJ and supporting remedies for communities that may be burdened by negative environmental consequences. EJ is defined by the State as the fair treatment and meaningful involvement of all people, regardless of race, income, national origin or color, with respect to the development, implementation and enforcement of environmental laws, regulations and policies. An application to fund a report for a proposed capital improvement project that will positively impact water quality in an EJ community or will positively impact the quality of drinking water serving an EJ community will receive additional points in the evaluation. Maps of EJ areas in New York State are available at the link provided in the Additional Resources section below.

To qualify for EJ points, the application must include specific details demonstrating the water quality improvement the proposed project will make to an EJ area or to drinking water serving an EJ community, and the area that will benefit from improved water quality or the exact street location(s) where the project will be implemented.

Ineligible Activities

A municipality may not use EPG funding for planning activities related to a proposed capital project that is not a CWSRF eligible project, or for the preparation of or amendment to an existing engineering report.

Ineligible activities include planning activities for a capital project that:

- Will not restore or protect a surface waterbody or groundwater.
- Is not for improvements to a publicly-owned treatment works⁶.
- Is listed on the 2022 CWSRF Intended Use Plan Annual Project Priority List.
- Has an engineering report that was previously funded by an EPG.
- Has a completed engineering report.

Grant Awards

Category	Amount	Eligible Scope
1	Up to \$50,000	For any wastewater infrastructure-related project, including disinfection

2	Up to \$100,000	Only for inflow and infiltration projects required by an Order on Consent or SPDES Permit Compliance Schedule (proof of enforcement must be provided)
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Local Match

All grants require a local match equal to 20 percent of the requested grant amount. The match may include cash and/or in-kind services⁷. Grants from other sources may not be used to satisfy the local match requirement. The applicant municipality must identify the source of the match in the application.

Grant Payments

Grants are disbursed in two or more payments based on the municipality's progress toward completion of an acceptable engineering report. The municipality will receive the first disbursement as an advance payment once a grant agreement with EFC is executed. The final disbursement will be made to the municipality when the engineering report has been completed and accepted by EFC/DEC.

Long Range Program Goals

The State encourages each municipality to use their EPG grant-funded engineering report to seek funding through the CWSRF program or from other funding sources to pursue the recommendations provided in the engineering report.

Project Evaluation Criteria

Projects for which a complete application has been received will be evaluated based on the criteria outlined in the table below. EFC and DEC will evaluate applications, determine a final score, and rank projects from highest to lowest score. Projects with the highest scores will be chosen for grants.

In the case of a tie between two or more projects, EFC will look at individual scoring categories in the following order of priority to determine a grant award:

1. Performance Measures;
2. Strategies;
3. Vision; and
4. Agency priorities.

If the projects have equivalent scores in all four categories, the grant will be awarded to the project for which the application was first received.

Category	Amount	Eligible Scope
1	Up to \$50,000	For any wastewater infrastructure-related project, including disinfection
2	Up to \$100,000	Only for inflow and infiltration projects required by an Order on Consent or SPDES Permit Compliance Schedule (proof of enforcement must be provided)

Local Match

All grants require a local match equal to 20 percent of the requested grant amount. The match may include cash and/or in-kind services . Grants from other sources may not be used to satisfy the local match requirement. The applicant municipality must identify the source of the match in the application.

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1. Performance Measures;
2. Strategies;
3. Vision; and
4. Agency priorities.

If the projects have equivalent scores in all four categories, the grant will be awarded to the project for which the application was first received.

Category	Points	Evaluation Criteria
Performance Measures	36	Project would address: <ul style="list-style-type: none"> • a pollutant of concern in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan), CSO Long Term Control Plan or SSO plan; or • the discharge of a pollutant causing the impairment to a waterbody listed in the WI/PWL segment assessment as “precluded” or “impaired”; or • the upgrade of municipal systems to meet new wastewater treatment effluent disinfection requirements.
	20	Project would address the discharge of a pollutant causing the impairment of a waterbody listed in the WI/PWL segment assessment as “stressed” or “threatened”.
	10	Project would address a documented water quality impairment that is not listed in the WI/PWL segment assessment.
	5	Project is necessary to preserve or protect a surface waterbody; no impairment associated with wastewater discharges is listed in the WI/PWL segment assessment.
	22	Project is: <ul style="list-style-type: none"> • required by a draft or final SPDES Permit or Order on Consent, including the preparation of a flow management plan; or • is identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Watershed Plan, or DEC HABs Action Plan).
Strategies	12	Project is for a new wastewater treatment and/or collection system to replace or upgrade an existing system but is not required by a draft or final SPDES Permit or Consent Order. This includes regionalization projects.

Vision	6	Project is for a new wastewater treatment and/or collection system for a currently unsewered area.
	7	Project is in a formally adopted plan ⁸ and the Applicant has demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation.
	3	Project is in a formally adopted plan or the Applicant has demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation.
Agency Priority	0	Project is not in a formally adopted plan and the Applicant has not demonstrated that the public and stakeholders who will be affected by, or who can advance the project, have been engaged in project planning and implementation.
	10	Project is: <ul style="list-style-type: none"> • required by an executed EPA Administrative Order; Order on Consent; or required by a draft or final SPDES permit (e.g. disinfection, denitrification, etc.); or • constructing a wastewater treatment and/or collection system for an area with failing onsite septic systems; or • identified in a DEC-approved watershed implementation plan (i.e. TMDL, Nine Element Plan or DEC HABs Action Plan); or • submitted by an applicant who qualifies as a hardship community in the 2022 CWSRF Intended Use Plan.
	5	Project is to upgrade or replace an existing wastewater system.
	0	Project does not align with EFC and DEC priorities (e.g., new sewers/extensions).

Multiple Application Submissions

A municipality may submit only one application per project. If a municipality submits multiple applications for separate projects, they must prioritize the applications. Please note, a municipality may only have two active EPG awards.

Successful Applicant Requirements (after Grant Award)

Documentation: Successful applicants must enter into a grant agreement with EFC to receive grant funds. The following items must be submitted to EFC prior to the execution of the grant agreement.

1. Detailed final budget and plan of finance, including all third-party funding agreements and satisfaction of the minimum 20 percent local match requirement.
2. Board resolution authorizing and obligating local match funds.
3. Board resolution for designation of an Authorized Representative for the municipality.
4. Board resolution declaring State Environmental Quality Review Act (SEQR) findings or determinations for the planning activities associated with the award.
5. Executed Engineering Agreement that complies with NYS

Minority/Woman-owned Business Enterprises (MWBE), Service-Disabled Veteran-Owned Business (SDVOB) Program, and Equal Employment Opportunity (EEO) requirements.

Documentation required to enter into a grant agreement must be submitted within 6 months of the grant award.

Definitions

Engineering Report – means the document or documents that determines the technical feasibility and estimated cost of a CWSRF eligible project. Engineering reports are prepared by a professional engineer licensed and registered to practice in New York State and must follow EFC/DEC’s Engineering Report Outline. The Outline can be downloaded from EFC’s webpage. See the link in the Additional Resources section below.

In-Kind Services – means services performed by capable and qualified employees of the municipality for technical and administrative force accounts that are directly related to and in support of the development of the engineering report and are deemed reasonable by EFC.

Municipality – means any county, city, town, village, district corporation, county or town improvement district, school district, Indian reservation wholly within New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of New York State which is empowered to construct and operate a project, or any two or more of the foregoing which are acting jointly in connection with a project.

Planning – means the orderly development of a project concept from the original statement of need or purpose through the evaluation of alternatives to a final recommendation on a course of action and measures to implement the selected alternative, including completion of the environmental review process.

Publicly-Owned Treatment Works– means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances, only if they convey wastewater to a publicly owned treatment plant, and combined storm water and sanitary sewer systems.

Watershed Implementation Plan – means a Total Maximum Daily Load (TMDL), Nine Element Watershed Management Plan, or DEC Harmful Algal Blooms (HABs) Action Plan. See the links in the Additional Resources section below.

Smart Growth - The State Smart Growth Public Infrastructure Policy Act of 2010 is intended to augment the state’s environmental policy by maximizing the social, economic, and environmental benefits of public infrastructure development while minimizing unnecessary environmental degradation, disinvestment in urban and suburban communities, and the loss of open space resulting from sprawl development.

Additional Resources

- EFC/DEC engineering report outline: https://efc.ny.gov/system/files/documents/2021/11/1122021_er_outline_ffy2022.pdf

- Summary of the United States Census, 2019 American Community Survey MHI data can be found on EFCs website at: https://efc.ny.gov/system/files/documents/2021/10/epg_mhi_pop_pov_5-year-estimates_2019.pdf

- DEC Info Locator (most up to date source of Water Inventory / Priority Waterbodies List (WI/PWL) segment assessments): <https://www.dec.ny.gov/pubs/109457.html>

- TR-16 Guides for the Design of Wastewater Treatment Works, Latest Edition—New England Interstate Water Pollution Control Commission: <http://neiwpc.org/learning-center/tr-16-guides-design-wastewater-treatment-works/>

- The New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act: <https://www.dec.ny.gov/energy/102559.html#Implementation>

- Potential Environmental Justice areas information and maps: <https://gisservices.dec.ny.gov/gis/dil/>

- Harmful Algal Blooms (HABs) Action Plans <https://www.dec.ny.gov/chemical/113733.html>

- Nine Element Watershed Management Plans https://www.dec.ny.gov/docs/water_pdf/9efaq17.pdf

- Total Maximum Daily Loads (TMDLs) <https://www.dec.ny.gov/chemical/23835.html>

For more information visit: www.efc.ny.gov/epg

¹ A summary of the United States Census, 2019 American Community Survey MHI data can be found on EFCs website at: https://efc.ny.gov/system/files/documents/2021/10/epg_mhi_pop_pov_5-year-estimates_2019.pdf

² See “Grant Awards” section of this document for details of funding amounts.

³ A summary of the United States Census, 2019 American Community Survey MHI data can be found on the EPG page on EFC’s website. See the link in the Additional Resources section below. An income survey for the service area of the project that has been approved by EFC and was completed after July 1, 2017 may be used in place of the 2019 census data.

⁴ See the “Definitions” section of this document for specific information on the required contents of the engineering report.

⁵ Must be consistent with the New York State Flood Risk Management Guidance for Implementation of the Community Risk and Resiliency Act.

⁶ In accordance with the laws, rules and regulations governing the CWSRF, projects defined in the federal Clean Water Act, Section 212 as treatment works must be publicly owned. See the “Definitions” section of this document for what is considered an eligible publicly-owned treatment works activity.

⁷ See the “Definitions” section of this document for specific information on what is considered in-kind services.

⁸ Formally adopted plans include comprehensive plans, master plans, asset management plans, local waterfront revitalization plans, and other land use plans. Unacceptable plans include: annual system reports; consent orders, REDC strategies; TMDLs; TMDL implementation plans; watershed implementation plans; and watershed action agendas.

Department of State

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MUNICIPALITIES, COMMUNITY BASED ORGANIZATIONS,
NYC COMMUNITY BOARDS

2022-23 Brownfield Opportunity Area Program

INTRODUCTION:

The Department of State (Department) is soliciting applications through the New York State Consolidated Funding Application (CFA) from eligible municipalities, community-based not-for-profit organizations, and NYC Community Boards to establish or implement strategies for community redevelopment of brownfield affected areas through the following grant activities:

(1) Planning: Development of a Brownfield Opportunity Area (BOA) Plan (also known as a Brownfield Opportunity Area Nomination) - is a strategic plan for an area affected by known or suspected brownfields that will culminate in a request for State BOA Designation.

(2) Predevelopment Activities within a State-Designated BOA.

(3) Phase II Environmental Site Assessments (SA) within a State-Designated BOA.

Brownfields are real properties where a contaminant is present at levels exceeding the soil cleanup objectives or where levels exceed other health-based or environmental standards, criteria, or guidance adopted by New York State Department of Environmental Conservation. Such standards, criteria and guidance are based on the reasonable, anticipated use of the property. Known or suspected site contamination of real property can impede investment and redevelop-

ment, making such property an economic and environmental drain on localities. Through the New York State Department of State Brownfield Opportunity Area (BOA) Program, these known and suspected brownfields are transformed from liabilities to community assets that generate businesses, jobs and revenues for local economies and provide new housing and public amenities.

The BOA program applies a neighborhood-wide or area-wide approach, rather than the traditional site-by-site approach, to the assessment and redevelopment of known or suspected brownfields and other vacant or abandoned properties. The neighborhood approach enables communities to comprehensively assess existing economic and environmental conditions associated with brownfield blight and impacted areas; identify and prioritize community supported redevelopment opportunities; and attract public and private investment. The types of areas where program resources are being applied include industrial/manufacturing zones, commercial corridors, mixed-use neighborhoods, downtowns and waterfronts.

Through the BOA Program, communities are empowered to:

- Address a range of problems posed by multiple known or suspected brownfield sites;
- Build community consensus on the future uses for the area with an emphasis on strategic sites that are known or suspected brownfields;
- Establish sustainable goals and objectives for area-wide revitalization and for redevelopment of strategic sites;
- Identify and establish the multi-agency and private-sector partnerships necessary to leverage assistance and investments to revitalize downtowns, neighborhoods, and communities;
- Reduce carbon emissions and increase climate resiliency in the built environment;
- Address environmental justice concerns and promote environmental equity in areas that may be burdened by negative environmental consequences; and
- Engage in activities to implement the community's vision after BOA designation by Department of State.

It is expected that BOA Plans developed locally through this program will then be submitted to the Secretary of State in support of a request for BOA designation. BOA designation conveys certain benefits to an area that promotes redevelopment consistent with the vision, goals and objectives outlined and reported in the BOA Plan. Applications for predevelopment activities and environmental site assessments are expected to implement the vision, goals and objectives of the State-Designated BOA.

The Brownfield Opportunity Area Program Request for Applications which details all grant program requirements is available on the Department's website Funding & Bid Opportunities website at <https://dos.ny.gov/funding-bid-opportunities>. All applicants are encouraged to read the RFA in its entirety as grant program requirements may change from year to year.

ELIGIBLE APPLICANTS:

Eligible applicants are:

- Towns, villages, and cities;
- Counties and regional planning entities on behalf of a town, village, or city;
- Eligible not-for-profit organizations on behalf of a town, village, or city. To be eligible for this grant opportunity, a not-for-profit organization must be:
 - o Incorporated pursuant to New York State Not-For-Profit Corporation Law; and
 - o Approved for tax-exempt status under the Internal Revenue Service code on or before December 31, 2021.

An eligible applicant may apply for a grant needed to advance eligible activities listed below in Section V.

Applicants may partner with counties or other organizations; however, only applications from eligible applicants will be evaluated for funding. Only the eligible applicant will be awarded a contract.

For applications submitted by a county, regional planning entity or non-profit organizations with the written consent and acting on behalf

of a village, town, or city, the application must include a letter or resolution from each eligible municipality participating in the project which demonstrates the municipal consent and support for the application.

FUNDING OPPORTUNITY:

The Department is making approximately \$4,000,000 available for BOA Program grants for the eligible activities. State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible project cost. The maximum for each grant award is \$300,000. There is no minimum State assistance request or award.

ELIGIBLE ACTIVITIES:

Please see the RFA for additional details on eligible activities under this grant.

FUNDING AND BUDGET GUIDANCE

When estimating the total eligible project cost, the applicant should calculate the cost to complete each task included in the project scope of work, which may include costs associated with project management and grant administration. As a reference, DOS generic work plans which describe tasks necessary to prepare a BOA Plan, BOA Predevelopment activities or Phase II Environmental Site Assessments are available at: <https://dos.ny.gov/funding-bid-opportunities>. The budget may only include eligible costs described below which directly support the project scope of work. Applicants are encouraged to obtain initial project quotes from consultants with relevant professional experience and background to inform the budget. Funding will be for 90% of all eligible costs.

Eligible Costs

Costs must be adequately justified, directly support the project and be essential to project completion. Eligible costs include the following:

Personal Services – Personal services include direct salaries, wages, and fringe benefits of employees of the applicant for activities related to project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the applicant's documented rate.

Non-Personal Services – Non-personal services include consultant/contractual services for direct project related costs, project management, grant administration, project-related supplies and materials, necessary travel, and other goods and services required to complete the project.

Project management activities may include, but are not limited to, oversight and coordination of tasks needed to produce contractual deliverables, coordination of steering committee activities, consultant procurement and oversight, public outreach, providing technical assistance, and developing or providing local and/or regional capacity to advance revitalization goals.

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or \$50,000, whichever is less.

Subcontracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs

Ineligible costs include the following:

- (a) Indirect or overhead costs, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.
- (b) Salaries and other expenses of elected officials.
- (c) Costs incurred outside of the contract term.
- (d) Costs that are not adequately justified or that do not directly support the project.

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

Applications will be accepted through the Consolidated Funding

Application at <http://regionalcouncils.ny.gov> until July 29, 2022 at 4:00 p.m.

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LOCAL GOVERNMENTS: COUNTIES, CITIES, TOWNS, VILLAGES, SPECIAL IMPROVEMENT DISTRICTS, FIRE DISTRICTS, PUBLIC LIBRARIES, ASSOCIATION LIBRARIES, PUBLIC LIBRARY SYSTEMS (IF THEY ADVANCE A JOINT APPLICATION ON BEHALF OF MEMBER LIBRARIES), WATER AUTHORITIES, SEWER AUTHORITIES, REGIONAL PLANNING AND DEVELOPMENT BOARDS, SCHOOL DISTRICTS, AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES (BOCES)

2022-23 Local Government Efficiency Grant Program

Introduction

Applications will be accepted through the Consolidated Funding Application at <https://apps.cio.ny.gov/apps/cfa/> until July 29, 2022 at 4:00 pm. for approximately \$3.6 million for implementation projects and approximately \$400,000 for planning projects. The total maximum cumulative funding for an Implementation Grant is \$200,000 for each local government involved in the project, not to exceed \$1,000,000. The maximum funding for a Planning Grant is \$12,500 for each local government involved in the project, not to exceed \$100,000. Award limits apply to existing LGE awards that include a new phase of development but not new partners.

The Local Government Efficiency (LGE) Grant program is intended to incentivize new actions between local governments that will reduce the cost of municipal operations and modernize the delivery of local services, thereby limiting growth in property taxes. Applicants must illustrate significant commitment to project completion and clearly demonstrate, through financial estimates and performance measures, the long-term benefit to New York taxpayers.

Eligible Applicants

Eligible local government entities are counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, public library systems (if they advance a joint application on behalf of member libraries), water authorities, sewer authorities, regional planning and development boards, school districts, and Boards of Cooperative Educational Services (BOCES). A board of cooperative educational services will be considered a municipality only in instances where such board of cooperative educational services advances a joint application on behalf of school districts and other municipalities within the board of cooperative educational services region but any agreement with a board of cooperative educational services:

1. Will not generate additional state aid;
2. Will be deemed not to be a part of the program, capital and administrative budgets of the board of cooperative educational services for the purposes of computing charges upon component school districts pursuant to Education Law § 1950(1),(4)(b)(7) or § 1951 (1); and
3. Will be deemed to be a cooperative municipal service for purposes of Education Law § 1950(4)(d)(2).

To be eligible for funding, past awardees must have demonstrated responsible contracting in any past or current Department of State (DOS) contract.

Project Match

Applicants are required to provide local cash matching funds for all projects.

- Implementation awards require local cash matching funds equal to at least 10% of the total project cost.

- Planning Grants require local cash matching funds equal to at least 50% of the planning costs.

• In the event an applicant is implementing a project that the applicant developed through a successfully completed planning grant funded under the Local Government Efficiency grant program or the Shared Municipal Services Incentive grant program, the local matching funds required shall be credited by the local matching funds required by such successfully completed planning grant up to the amount of local matching funds required for the implementation grant. To be considered a successfully completed planning grant, the grant must be completed and paid in full by October 1, 2022.

Eligible Expenses

Local Government Efficiency Grants may be used to cover costs integral to project implementation including, but not limited to:

- legal and consultant services;
- capital improvements and equipment; and
- transitional personnel costs not to exceed three years.

Ineligible Expenses

- recurring local government expenses such as salaries, utilities, and overhead, except for transitional personnel;
- contingency expenses;
- indirect expenses;
- approved operating expense of the school district as defined in Education Law § 3602(1)(t);
- any expenses not fully justified and deemed ineligible by DOS, which will be eliminated from the budget, thereby reducing the award amount;
- any expenditures funded through the Local Government Efficiency Program (LGE), Citizens Reorganization Empowerment Grant (CREG), Financial Restructuring Board (FRB), Municipal Restructuring Fund (MRF), or any other New York State grant programs; and
- additional expenses including, but not limited to: alcohol, out-of-state or out-of-country travel, prizes and awards, honoraria, lobbying expenses, fund-raising events/expenses, grant writing costs, fines and penalties, taxes, deficit funding, religious activities and refreshments for meetings.

Applications must be completed through the Consolidated Funding Application at: <https://apps.cio.ny.gov/apps/cfa/>

More information about the Local Government Efficiency Grant Program can be found on the Department of State website at: <https://dos.ny.gov/2022-2023-local-government-efficiency-grant-program>

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VILLAGES, TOWNS OR CITIES LOCATED ALONG NEW YORK'S COASTS OR INLAND WATERWAYS AS DESIGNATED PURSUANT TO EXECUTIVE LAW ARTICLE 42, A COUNTY WITH THE CONSENT AND ACTING ON BEHALF OF ONE OR MORE ELIGIBLE VILLAGES, TOWNS OR CITIES

2022-23 Local Waterfront Revitalization Program

INTRODUCTION:

The Department is soliciting applications through the New York State Consolidated Funding Application (CFA) under Title 11 of the Environmental Protection Fund Local Waterfront Revitalization Program (EPF LWRP) from eligible villages, towns, cities located along New York's coasts or designated inland waterways, or counties (with the consent and acting on behalf of one or more eligible villages, towns, cities) to advance the preparation or implementation of strategies for community and waterfront revitalization through the following grant categories:

- Preparing or Updating a Local Waterfront Revitalization Program (LWRP)

- Preparing an LWRP Component, including a Watershed Management Plan
- Updating an LWRP to Mitigate Future Physical Climate Risks
- Implementing a Local Waterfront Revitalization Program or a completed LWRP Component

The Local Waterfront Revitalization Program, at its core, provides for more accessible, sustainable and resilient waterfront communities. The Department encourages applications that create public access to outdoor recreation and consider resiliency in design. Projects that create dynamic public areas, improve community parks and trails, and enhance recreational opportunities can provide a significant stimulus for the local economy and set the stage for community resiliency. Public investment in these types of projects can not only increase public access and enjoyment of the waterfront, but also spur private investment, create jobs, and grow the economy.

- Applications can include one planning project or one implementation project.
 - Planning projects may include preparation of an LWRP or Watershed Management Plan
 - Implementation may include feasibility, marketing, design, design/construction, and construction.
- Only applications for projects that can be completed within five years will be considered.
- One implementation project may include construction of a variety of enhancements such as dockage, fishing access, and other park amenities if they will all be constructed within the same park/location.
- Applications may include multiple implementation projects in multiple locations only if the projects are similar in type/scope and clearly address a common critical issue identified in a relevant LWRP or LWRP Component funded by the Department.

• Applicants may submit more than one grant application.

ELIGIBLE APPLICANTS:

Eligible applicants are:

- A village, town, or city located along New York’s coasts or inland waterways as designated pursuant to Executive Law, Article 42.
- A county with the consent and acting on behalf of one or more eligible villages, towns or cities.

An eligible applicant may apply for general planning needed to advance any of the eligible activities listed below in Section V.

Applicants may partner with counties or other organizations; however, only applications from eligible applicants will be evaluated for funding. Only the eligible applicant will be awarded a contract. Applications submitted by not-for-profit organizations and for-profit organizations are ineligible and will not be scored.

For applications submitted by a county, with the consent and acting on behalf of one or more villages, towns, or cities, the county is required to attach a letter or resolution from each eligible municipality participating in the project which demonstrates their consent and support for the application.

FUNDING OPPORTUNITY:

The Department is making approximately \$16,300,000 available to fund applications for the Local Waterfront Revitalization Program grants, up to \$2 million of which is available for updates to existing LWRPs to mitigate future physical climate risks. Approximately \$10.5 million of the available funding will be awarded for projects which are in, or primarily serve, areas where demographic and other relevant data demonstrate that the areas are:

- densely-populated and have sustained physical deterioration, decay, neglect, or disinvestment; or
- where a substantial proportion of the residential population is of low income, or is otherwise disadvantaged and is underserved with respect to the existing recreational opportunities.

ELIGIBLE ACTIVITIES:

Please refer to the RFA for details on eligible activities under this grant.

FUNDING AND BUDGET GUIDANCE

Eligible Costs

Costs must be adequately justified and directly support the scope of work for the proposed project. Proposed total project costs, including match components, must be essential to project completion. All costs will be paid on a reimbursement basis and must be documented.

Grant funds may be used for the following costs associated with the scope outlined in the application:

Personal Services – including direct salaries, wages, and fringe benefits for activities related to project work by municipal employees, including project management, capacity building, and grant administration. Fringe benefits must be outlined in the application and include the organizations’ documented rate.

Non-Personal Services – including supplies and materials, travel, equipment, consultant/contractual services for direct project related costs, project management, capacity building, limited grant administration, and other goods and services.

Equipment – Equipment purchases will only be considered as an eligible cost if the equipment is essential to accomplish tasks included in project scope of work and is demonstrated to be more cost-effective than renting or leasing the equipment. The application should list each piece of equipment to be purchased with an estimated cost and how it will be used to accomplish project tasks. Equipment purchased with EPF LWRP grant funding cannot be sold without prior approval from the Department. If equipment purchased with EPF LWRP funds is sold without DOS approval, the Department may require that grant funds be returned to the Department. Equipment usage may only be used as local match.

Project management activities may include oversight and coordination of tasks needed to produce contract deliverables, coordination of Project Advisory Committee activities, consultant procurement and oversight, public outreach and providing technical assistance.

Capacity building may include: investment in existing staff, such as training, or automating systems that will improve a community’s ability to carry out projects and/or deliver programs funded under this RFA; or developing sustainable organizational capacity, such as through creating and recruiting new positions or enlisting external professional assistance to oversee revitalization efforts. Allowable activities under capacity building shall be within the scope of the RFA and undertaken in direct furtherance of the purpose of the grant application.

Grant administration activities may include preparation of reports, vouchers, contract related administration and compliance with grant record keeping and reporting requirements. Grant administration may not exceed 15% of the award amount or \$50,000, whichever is less.

Land acquisition – land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property. Land must be acquired within three years prior to the grant application due date. Land acquisition is not eligible for match for projects involving only design and engineering. A map identifying the property, and if available, a current appraisal report documenting the property value and a copy of the recorded deed conveying title and ownership must be submitted with the application.

Ineligible Costs

The following costs will neither be accepted as the required local match nor reimbursed with grant funds:

Indirect or overhead costs of the municipality such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

Salaries and other expenses of elected officials

Fund raising events/expenses

Federal funding (including but not limited to CDBG, FHWA, FEMA, U.S. FWS Boating Infrastructure Grant Program)

Other Environmental Protection Fund awards (including but not limited to WQIP, BOA, Smart Growth, OPRHP EPF)

Land acquisition (except as noted above)

Taxes, insurance, fines, deficit funding

Loan and bond interest and associated fees. The interest associated

with a Loan, Bond, or Bond Anticipation Note (BAN) cannot be calculated into project cost, whether for reimbursement or local match.

- Contingency costs
- Lobbying expenses
- Cost incurred prior to the contract start date

Costs that are not adequately justified or that do not directly support the scope of work for the proposed project

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

Local Match

State assistance awarded and paid shall not exceed 75% of the total eligible cost for the project, except where the proposed project is located in an environmental justice community, in which case state assistance awarded and paid shall not exceed 85% of the total eligible cost for the project. The total eligible cost of the project is the total of costs set forth in the grant application, less any federal assistance and other state assistance from the Environmental Protection Fund. In addition, the Environmental Protection Fund grants provided under this program may not be used as the local match for any federal or State grants without explicit written permission from the Department. Local match must be outlined in the application for consideration. State assistance payments will be made to grant recipients based on actual expenditures for eligible costs up to the amount of the grant awarded.

Volunteer services included in the local match are limited to those that are required to complete project tasks. Volunteer services must be listed in the application. Documented volunteer services (non-professional or administrative) may be valued at up to \$15.00 per hour. Credit for project related volunteer services requires submission of detailed accurate records using Department approved forms to account for volunteer services to be included as local match. Failure to do so will result in non-approval of accrued volunteer hours for documented match.

Paid and unpaid donated professional services included in the local match are limited to those that are required to complete project tasks and only when services provided are in direct relation to the profession of the individual providing these services. Donated professional services must be listed in the application. Professional or technical services, such as engineering, legal, design, planning, and project management services will be valued at a rate of \$60.00 per hour. Construction and other labor services will be valued at the prevailing wage rate set for the locality where the work is performed. Applicants must provide a description of the work to be undertaken by each individual and the reason for using a donated professional services rate rather than the volunteer services rate in the grant application.

Donated services that are not directly related to a profession will be considered as local match at the volunteer services rate. In all cases, detailed accurate records must be kept using Department approved forms to account for services to be included as local match.

Land acquisition – As detailed above, land acquired (e.g., purchase or donation) may only be used as local match for projects that include construction and where the construction occurs on the acquired property.

Applications will be accepted through the Consolidated Funding Application at <http://regionalcouncils.ny.gov> until July 29, 2022 at 4:00 p.m.

Department of State
One Commerce Plaza
99 Washington Ave., Suite 1110
Albany, NY 12231

TOWNS, VILLAGES, CITIES, COUNTIES AND REGIONAL PLANNING ENTITIES ON BEHALF OF A TOWN, VILLAGE OR CITY, ELIGIBLE NOT-FOR-PROFIT ORGANIZATIONS ON BEHALF OF A TOWN, VILLAGE OR CITY

2022-23 Smart Growth Community Planning and Zoning Grant Program

INTRODUCTION:

The Department is soliciting applications through the New York State Consolidated Funding Application (CFA) under the Environmental Protection Fund Smart Growth Program from eligible towns, villages, cities, counties, regional planning entities, and not-for-profit organizations to advance the preparation and adoption of one of the following:

- preparation and local adoption of a new or updated comprehensive plan for an entire town, village, or city that supports smart growth principles for the community;
- preparation and local adoption of new or updated zoning regulations (i.e., local law, ordinance) for an entire town, village, or city that would implement an existing comprehensive plan that supports smart growth principles for the community;
- preparation and local adoption of new or updated area plan for part of a town, village, or city that supports smart growth principles for the community, and which plans may include, but would not be limited to, transit-oriented development plans and downtown/hamlet area plans; or,
- preparation and local adoption of new or updated zoning regulations that would implement any such area plans already adopted by a subject town, village, or city.

Smart Growth encourages community planning and development in priority development areas where water and sewer infrastructure are available; encourages redevelopment of existing community and municipal centers; protects important historic and natural resources, including water quality and historic structures; promotes development around transit stations in the form of transit-oriented development; supports equity principles, such as affordable housing and environmental justice; and promotes the siting and development of community clean energy sources. Comprehensive plans and area plans should incorporate these Smart Growth principles to make the most efficient use of community resources, reduce the property tax burden and promote sustainable economic development, equity and quality of life for people and households of all incomes, backgrounds, ages and abilities.

Applications to prepare or update a municipal comprehensive plan or area plan may only include one plan per application.

Applications to establish or update zoning regulations for an entire town, village, or city must be in accordance with a comprehensive plan duly adopted by the local government (town, village, or city) by September 30, 2022. Likewise, applications to establish or update zoning regulations for part of a town, village, or city must be in accordance with an area plan duly adopted by the local government (town, village, or city) by September 30, 2022.

The EPF SGCP Request for Applications which details all grant program requirements is available on the Department’s website Funding & Bid Opportunities website at <https://dos.ny.gov/funding-bid-opportunities>. All applicants are encouraged to read the RFA in its entirety as grant program requirements may change from year to year.

ELIGIBLE APPLICANTS:

Eligible applicants are:

- Towns, villages, and cities;
- Counties and regional planning entities on behalf of a town, village, or city;
- Eligible not-for-profit organizations on behalf of a town, village, or city. To be eligible for this grant opportunity, a not-for-profit organization must be:
 - o Incorporated pursuant to New York State Not-For-Profit Corporation Law; and
 - o Approved for tax-exempt status under the Internal Revenue Service code on or before December 31, 2021.

An eligible applicant may apply for a grant needed to advance eligible activities listed below in Section V.

Applicants may partner with counties or other organizations; however, only applications from eligible applicants will be evaluated for funding. Only the eligible applicant will be awarded a contract.

For applications submitted by a county, regional planning entity or non-profit organizations with the written consent and acting on behalf of a village, town, or city, the application must include a letter or resolution from each eligible municipality participating in the project which demonstrates the municipal consent and support for the application.

FUNDING OPPORTUNITY:

The Department is making approximately \$2,000,000 available to fund applications for the Smart Growth Community Planning and Zoning Grant Program.

ELIGIBLE ACTIVITIES:

Please see the RFA for additional details on eligible activities under this grant.

REQUIREMENTS FOR SMART GROWTH PRINCIPLES

Comprehensive plans, area plans, and zoning regulations (i.e., local law, ordinance) funded under this grant program should contain strategies/projects that are consistent with the following general Smart Growth Principles:

1. **Mixed Land Uses:** A mix of land uses can convey substantial fiscal and economic benefits by placing commercial uses near residential areas as critical component of achieving viable places to live for those who use and depend upon the area's commerce.

2. **Range of Housing Opportunities and Choices:** Provide quality housing with efficient access to jobs, resources and amenities for people of all income levels, ages and races.

3. **Development and Redevelopment in Existing Communities:** Smart Growth directs development towards existing communities already served by infrastructure, seeking to utilize the resources that existing neighborhoods offer, and to conserve open space and irreplaceable natural resources on the urban and metropolitan fringe.

4. **Distinctive, Attractive Communities with a Strong Sense of Place:** Smart Growth encourages communities to set standards for development and construction that respond to community values of architectural aesthetics, neighborhood-friendly design and human-scale planning, as well as expanded choices in housing and transportation.

5. **Density:** Compact communities are more land- and energy-efficient; provide the critical mass for neighborhood retail, commercial development and mass transit; protect natural resources; and promote walkability. Concentrating and directing growth in designated centers reduces the demand for sprawling development of greenfields on the metropolitan fringe, thus saving open space and farmland and protecting natural resources. Growth in centers maximizes the use of existing infrastructure, avoiding costly municipal expenditures on the extension and maintenance of new infrastructure.

6. **Clean Energy:** The inclusion of clean energy siting and development into planning, zoning, building and infrastructure, including, but not limited to, solar, wind, geo-thermal and micro-grids.

7. **Climate Change:** Concentrating residential, commercial, office and recreational land uses provides the density and critical mass necessary to sustain mass transit, reducing automobile dependency, vehicle miles travelled and transport-based greenhouse gas emissions. Denser communities are also more energy-efficient.

8. **Resiliency:** Land use, development and infrastructure that is adaptive to climate change impacts and is resilient and resistant to extreme storm events.

9. **Green Infrastructure:** Smart Growth incorporates green buildings – energy conservation measures, renewable energy, sustainable site location and maintenance, locally produced materials and food – well-maintained and well-placed parks, trails, linked open spaces, child accessible, environmental and ecological education areas, sustainable storm-water management and urban forestry.

10. **Social Diversity and Integration:** Communities designed on Smart Growth principles allow people of diverse ages, incomes, races and physical abilities to interact more regularly, easily and safely by encouraging walkable communities, accessible public spaces and a variety of age-, income- and race/ethnic-integrated housing opportunities.

11. **Regional Planning and Coordination:** We conduct our daily lives on a regional, multi-jurisdictional basis—in many cases living in one local government, working in another and recreating in yet another. And economic, ecological and transportation systems also operate regionally. It is therefore imperative that municipal planning also align and coordinate with regional objectives, systems and plans, as represented, for example, in NYSEDA Regional Sustainability Plans, REDC Strategic Plans, countywide plans and plans developed by Regional Planning Councils. Regional planning and coordination allow stakeholders to more effectively collaborate across jurisdictional lines to leverage resources and achieve mutual goals and objectives—environmental, social and economic.

12. **Walkable/Bikeable Neighborhood Design:** Walkable/bikeable communities make pedestrian activity possible by mixing land uses, building densely and connecting streets in a gridded pattern, thus expanding transportation options and creating streetscapes that better serve a range of users, including pedestrians, bicyclists, transit riders, and automobiles.

13. **Variety of Mobility Choices:** Providing people with efficient and varied mobility choices - walking, biking, public transit - fosters greater community opportunities for housing, shopping, and jobs compliant with Smart Growth principles.

14. **Well-Planned and Well-Placed Public Spaces:** The public realm plays a prominent role in the Smart Growth paradigm. Smart public spaces increase walkability, social interaction, livability, a sense of place and neighborhood aesthetics.

15. **Community and Stakeholder Collaboration in Planning:** Collaborative efforts can lead to creative resolutions of development issues and greater community understanding of the importance of good planning and investment which results in great places to live, work, shop and play.

FUNDING AND BUDGET GUIDANCE

State assistance awarded and paid to a grant recipient shall not exceed 90% of the total eligible project cost as described below. Applicants are encouraged to obtain initial project quotes from consultants with relevant professional experience and background to inform the budget. Funding will be for 90% of all eligible costs. The maximum State assistance request is as follows:

- For a Comprehensive Plan Grant: \$100,000
- For a Comprehensive Zoning Grant: \$100,000
- For an Area Plan Grant ONLY: \$100,000
- For an Area Zoning Grant ONLY: \$100,000
- For a combined Area Plan and Area Zoning Grant: \$200,000

Eligible Costs

Costs must be adequately justified and directly support the project. Proposed costs, including match components, must be essential to project completion. All costs will be paid on a reimbursement basis and must be documented. Eligible costs include the following:

(a) **Personal Services –** Personal services include direct salaries, wages, and fringe benefits of grantee employees for activities in direct relation to or in support of to project work, including project management and grant administration. Fringe benefits must be outlined in the application and include the organization's documented rate.

(b) **Non-Personal Services –** Non-personal services include consultant/contractual services for direct project related costs, project management, and limited grant administration; project-related supplies and materials; necessary travel; and other goods and services required to complete the project.

Notes:

Project management activities may include, but are not limited to, oversight and coordination of tasks and activities needed to produce contractual deliverables, consultant procurement and oversight, public outreach, and technical assistance.

Grant administration may include, but is not limited to, activities undertaken to comply with grant budgeting, record keeping and reporting requirements, such as preparation and submission of payment vouchers and other documents required under the grant. Grant administration may not exceed 15% of the award amount.

Sub-contracts for consultant/contractual services should be competitively procured based on the applicable provisions of New York State General Municipal Law and additional requirements as described in this RFA.

Ineligible Costs

Ineligible costs include the following:

(a) Indirect or overhead costs, such as rent, telephone service, general administrative support, computers, office equipment, general office supplies, general operations costs, membership fees, subscription costs.

(b) Salaries and other expenses of elected officials.

(c) Costs incurred outside of the contract term.

(d) Costs that are not adequately justified or that do not directly support the project.

Notes:

Ineligible costs will be eliminated from the total project costs in the grant application.

Failure to adequately justify direct project costs will render costs ineligible. Ineligible costs will be eliminated from the total project costs in the grant application.

Applications will be accepted through the Consolidated Funding Application at <http://regionalcouncils.ny.gov> until July 29, 2022 at 4:00 p.m.

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of State
F-2021-1114

Date of Issuance – May 18, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-1114, The Town of Evans, is proposing to repair and rehabilitate the existing breakwall at Sturgeon Point Marina. The repair would include adding additional armor stone (up to 3,698 cy some of which would be placed above the plane of Ordinary High Water) and bedding stone (up to 1,134cy) to supplement the existing armor stone. The resulting structures would have a 1.75:1 slope on the lake side and a 1.5:1 slope on the marina side. The base of the eastern most two legs (legs 3 and 4) of the breakwall would be expanded from ~42.4' wide to up to 65' wide and on the lake side of leg 2 the base of the breakwall would be extended from an existing 18.62' wide to up to 40' wide.

To facilitate the proposed work, up to 16,380cy of sand build up located along the existing breakwall would be dredged down to a depth of 563.2' IGLD 1985 (-6 below Low Water Datum). The dredge material would be placed along an ~264 linear foot stretch of shoreline to the east of the marine. The material would be placed in no more than 3' of water. The project would also include creating a temporary construction access route in the lake to facilitate the delivery of large rock from shoreline to the eastern end of the breakwall. The access route would be constructed of dredged material and the area would be restored to existing contours at the conclusion of the project.

The project also includes replacement of ~110 linear feet of existing concrete sidewalk, resurfacing 386 linear feet of existing sidewalk

with a 4" concrete overlay, and replacing storm damaged steel posts and concrete barriers along the inside of the marina.

The proposal is for the Town of Evans owned Sturgeon Point Marina located on Lake Erie at 618 Sturgeon Point Road in the Town of Evans, Erie County.

The stated purpose of the proposed action is to "Repair and rehabilitate the existing breakwalls at Sturgeon Point Marina."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2021-1114publicnotice.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, 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 June 17, 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-2022-0051

Date of Issuance – May 18, 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-2022-0051, Bill Dana is proposing to maintain as constructed an 8' x 12' dock located against the shoreline and replace an existing dock with a new pile (6") supported 6' x 40' dock with a 4' x 12' and a 4' x 20' dock segments surrounding a 12' x 16' pile supported boat lift.

The proposal is for the applicant's property located on Port Bay at 7973 Lark Road in the Town of Wolcott, Wayne County.

The stated purpose of the proposed action is to remove the current dock and install a new permanent dock and boat hoist.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2022-0051.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, 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 June 17, 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-2022-0180

Date of Issuance – May 18, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2022-0180-Dmitry Lekov and Kati Matron propose construction of a new 4' x 168' catwalk with 3' x 12' ramp and 6' x 20' float at 203 Noyack Road.

Town of Southampton, Suffolk County, North Sea Harbor

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/5/f-2022-0180consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): N/A

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, June 17, 2022

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0210

Date of Issuance – May 18, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2022-0210-J. Geddes Parsons proposes to remove existing 5' x 81' fixed dock and piles (16), 3' x 20' ramp and 9' x 18' float dock; construct a 5' x 81' fixed dock secured by 16 piles, 4' x 16' ramp and an 8' x 18.5' float dock secured by 4 piles and to replace tie-off piles as needed (5).

Town of Southold, Suffolk County, Fishers Island Sound

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/5/f-2022-0210consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): N/A

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., June 17, 2022, 30 days from the date of publication of this notice.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0222 (DA)

Date of Issuance – May 18, 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 Federal Aviation Administration (FAA) 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-2022-0222, the FAA proposes an in-kind replacement of Low-impact Resistant (LIR) support structures (a component of MALSR) along an existing pier off the approach of Runway 13. The LIRs being replaced are from Station 6+00 to Station 24+00 ranging from a height of 6.75 ft to 32.18 ft. LIR replacement activities would be conducted from a barge above the OHW mark of the East River. Installation of a submersible cable, crossing a horizontal length of approximately 110 feet at a depth of 60 feet in the East River. The submersible cable would be weighed down using eight 100-pound burlap covered sandbags (estimated to be 0.04 CY of fill each) crossing a horizontal length of approximately 115 feet, in the East River (Rikers Island Channel) between Rikers Island and LaGuardia Airport. Project location is at LaGuardia Airport, Queens County, East River.

The stated purpose of the project is to rehabilitate infrastructure at LaGuardia Airport to meet safety needs.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2022-0222laguardiamalsr.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, Albany, New York

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15-days from the date of publication of this notice, or, June 2, 2022.

Comments should be addressed to the New York State 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-2022-0296

Date of Issuance – May 18, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2022-0296, 9 Right of Way Holdings, LLC proposes to remove the existing float on site and construct a 4' x 18' catwalk, 3' x 20' ramp, 6' x 20' chocked float, and 2 8" dia. float-securing piles. The site is located on North Sea Harbor at 143 Shore Road, Southampton, NY, 11968.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2022-0296application.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 17, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0299

Date of Issuance – May 18, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2022-0299, Philippe and Jane Moggio are proposing to construct a 4' x 75' catwalk elevated 24" above grade and leading to a 4' x 89.4' catwalk elevated a min. 4.5' above grade with thru flow decking. Ship ladder stairs will be installed at the end of the catwalk. The site is located on Quogue Bay at 5 Quogue Street, Quogue, NY 11952.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2022-0299moggio.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 17, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0304

Date of Issuance – May 18, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2022-0304, the applicant, Suffolk County Department of Public Works, is proposing maintenance dredging of Menantic Creek. The overall channel dimensions are 2,995' long x 100' wide. The inner channel (north of Tarkettle Road) is 820' long x 75' wide and will be dredged to a depth of -6' MLW. The outer channel (south of Tarkettle Road) is 2,175' long x 100' wide and will be dredged to a depth of -8' MLW. Approx. 25,500 cubic yards of dredged material will be removed and placed on Wades Beach (located east of Dickerson Creek) and Shell Beach. This project is located west of Tarkettle Road and east of Menantic Road, Town of Shelter Island, Suffolk County, Menantic Creek.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2022-0304app.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Shell Beach Significant Coastal Fish and Wildlife Habitat: https://dos.ny.gov/system/files/documents/2020/03/shell_beach.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 17, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2021-0307

Date of Issuance – May 18, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2022-0307, New York City Economic Development Corporation proposes the construction of a park with esplanade, landscaping, fencing/railing lighting, park amenities, utilities, and a comfort station. The project is located on the Harlem River at 441 River Avenue, New York, NY, 10451.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2022-0307lowerconcoursepark.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 17, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2022-0322

Date of Issuance – May 18, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, Albany, New York.

In F-2022-0322, the applicant, Dinkar Jetley, is proposing to install a 4' x 52' fixed Thru Flow/ open grate catwalk elevated 4' over grade, supported by 4 x 4 posts with handrails as necessary. Install 4' x 6' steps at landward end, 4' x 8' steps at seaward terminus, and a kayak/SUP rack bolted to dock. This project is located at 123 South Road, Town of Southampton, Suffolk County, Dug Canal off Beaverdam Creek.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2022-0322app.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Moriches Bay Significant Coastal Fish and Wildlife Habitat: https://dos.ny.gov/system/files/documents/2020/03/moriches_bay.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or June 17, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

tency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2022-0324

Date of Issuance – May 18, 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-2022-0324, The Village of Waddington, is proposing to replace existing floating docks with a new floating docking structure. The new structure would include an 8' x 360' wide main dock running parallel to the shoreline with 4 5' x 72' docks each with 6 4' x 20' finger docks. The docks would be supported by up to 8 12" concrete filled anchor piles and/or 8 5' x 5' x 1' concrete anchor blocks as well as 10 existing 20' long pipe supports anchored to the shoreline with concrete blocks. The docking structure would be access by 2 existing 5' x 5' x 6' concrete anchor pads and 2 new 4' x 20' gangways. The docking structure may include up to 24 power pedestals with electrical service being run from a nearby pavilion.

The proposal is located on the St. Lawrence River on New York Power Authority (NYPA) owned property at Island View Park off of St. Lawrence Avenue in the Village of Waddington St. Lawrence County.

The stated purpose of the proposed action is to improve the current public docks by providing additional space for public docking which is currently limited.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/05/f-2022-0324publicnotice.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, Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or June 2, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless other-

wise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0218 In the matter of Gregg Tweedy of Hyperion Development LLC, 4409 Riviera Drive, Unit One, Central Square, New York 13036 for an appeal and/or variance concerning the City of Syracuse Building Code Departments determination of habitable third floor spaces for an existing three-story, two-family residence located at 548 Clarendon 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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2022-0219 Matter of Gray Architectural SVS, P.C., Chris Gray, 2401 Capri Place, N. Bellmore, NY 11710, for a variance concerning safety requirements, including the ceiling height and the height under a girder/soffit. Involved is an existing one-family dwelling located at 27 Sunset Road, Massapequa, Town of Oyster Bay, NY 11771, County of Nassau, State of New York.

2022-0225 Matter of Jiani Chen, 299 Sheep Pasture Road, East Setauket, NY 11733, for a variance concerning safety requirements, including the height under a girder/soffit. Involved is an existing one-family dwelling located at 299 Sheep Pasture Road, East Setauket, Town of Brookhaven, NY 11733, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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2022-0220 in the Matter of Dominick R. Pilla Associates, PC, Dominick R. Pilla, 143 Main Street, Nyack, NY 10960, for a variance concerning safety requirements, including lot line windows. Involved is a three-story building located at 143-145 Main Street, Village of Nyack, NY 10960, County of Rockland, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

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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.

2022-0222 in the Matter of Jorge L. Lopez Architect P.C., Jorge L. Lopez, 226 North Main Street, New City, NY 10956, for a variance concerning safety requirements, including ceiling height. Involved is a single-family townhouse located at 74 W. Broad Street, Village of Haverstraw, N 10927, County of Rockland, State of New York.

2022-0223 in the Matter of Congregation Masores Hachinuch d/b/a Bas Mikroh, Shaul Y. Rosengarten, 381 Viola Road, Spring Valley, NY 10977, for a variance concerning safety requirements, including aerial apparatus. Involved is a three-story school building located at 381 Viola Road, Spring Valley, NY 10977, County of Rockland, State of New York.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0227 in the of Matter of David A. Barbuti Architect, PC, David A. Barbuti, 150 White Plains Road, Suite 103, Tarrytown, NY 10591, for a variance concerning safety requirements, including ceiling height, toilet fixtures and insulation. Involved is a one-family dwelling located at 41 Lee Avenue, Village of Ossining, NY 10562, County of Westchester, State of New York.

2022-0228 in the Matter of Ann King, Nine Fairfax Road, Fishkill, NY 12524, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at Nine Fairfax Road, Town of Fishkill, NY 12524, County of Dutchess, State of New York.

COURT NOTICES

AMENDMENT OF RULE

Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Rule 19-a of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective May 2, 2022, to read as follows:

Rule 19-a. Motions for Summary Judgment; Statements of Material Facts.

(a) Upon any motion for summary judgment, other than a motion made pursuant to CPLR 3213, the court may direct that there shall be annexed to the notice of motion a separate, short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried.

(b) In such a case, the papers opposing a motion for summary judgment shall include a correspondingly numbered [paragraph]statement responding to each numbered paragraph in the statement of the moving party. [and, if necessary,] *In the response to the material statement of facts, the respondent shall recite the movant's paragraphs and then provide a response to that paragraph so the Court has all the materials in one document. The movant shall, upon request, promptly provide the respondent with a copy of the material statement of facts in the same word processing software application in which the statement was prepared. The respondent may also include additional paragraphs containing a separate short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried.*

(c) Each numbered paragraph in the statement of material facts required to be served by the moving party will be deemed to be admitted for purposes of the motion unless specifically controverted by a correspondingly numbered paragraph in the statement required to be served by the opposing party.

(d) Each statement of material fact by the movant or opponent pursuant to subdivision (a) or (b), including each statement controverting any statement of material fact, must be followed by citation to evidence submitted in support of or in opposition to the motion.

