
NEW YORK STATE
REGISTER

INSIDE THIS ISSUE:

- Registration of Pharmacy Benefit Managers
- COVID-19 Reporting and Testing
- New York Health and Essential Rights Act (NY HERO Act)

Executive Orders

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 August 14, 2022
- the 45-day period expires on July 30, 2022
- the 30-day period expires on July 15, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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

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

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

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



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

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

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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

Rule Making Activities

Agriculture and Markets, Department of

- 1 / Holding and Movement of Captive Cervids (P)
- 4 / Voluntary Program for the Production of Virus-Tested Plant Materials (P)

Cannabis Management, Office of

- 4 / Packaging, Labeling, Marketing and Advertising of Adult-Use Cannabis (P)
- 7 / Permitting and Regulating Cannabis Laboratories (P)

Economic Development, Department of

- 10 / New York City Musical and Theatrical Tax Credit Program (EP)

Financial Services, Department of

- 11 / Registration of Pharmacy Benefit Managers (EP)
- 14 / Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure (A)
- 14 / Licensed Cashers of Checks; Fees (P)

Health, Department of

- 16 / COVID-19 Reporting and Testing (E)

Labor, Department of

- 19 / New York Health and Essential Rights Act (NY HERO Act) (E)

Public Service Commission

- 21 / Waiver of Tariff Rules and a Related Commission Regulation (P)
- 21 / Petition to Submeter Electricity (P)
- 22 / Replacement of Existing Cellular Antennas on a Transmission Tower (P)
- 22 / St. Lawrence Gas' Petition for a Waiver of its 2021 Service Quality Performance (P)
- 22 / Waiver of Tariff Rules and a Related Commission Regulation (P)
- 23 / Replacement of Existing Cellular Antennas on a Transmission Tower (P)

Hearings Scheduled for Proposed Rule Makings / 24

Action Pending Index / 27

Advertisements for Bidders/Contractors

- 81 / Sealed Bids

Miscellaneous Notices/Hearings

- 85 / Notice of Abandoned Property Received by the State Comptroller
- 85 / Public Notice

Executive Orders

- 87 / Executive Order No. 3.8: Continuing the Declaration of Disaster Emergency.
- 87 / Executive Order No. 11.6: Declaring a Disaster Emergency in the State of New York.
- 87 / Executive Order No. 18: Preventing and Responding to Domestic Terrorism.
- 88 / Executive Order No. 19: Directing the State Police to File Extreme Risk Protection Orders.

RULE MAKING ACTIVITIES

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

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

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

Department of Agriculture and Markets

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Holding and Movement of Captive Cervids

I.D. No. AAM-24-22-00012-P

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

Proposed Action: Amendment of Part 68 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18(6), 72 and 74

Subject: Holding and movement of captive cervids.

Purpose: To ensure that captive cervids are held and moved in a manner designed to prevent disease and to be properly treated if diseased.

Public hearing(s) will be held at: 11:00 a.m., Aug. 25, 2022 by teleconference. The telephone number to call in is (518) 549-0500, and the access code is 37265540.

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

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

Text of proposed rule: Section 68.1 of 1 NYCRR is amended by adding thereto new subdivisions (ad), (ae), (af), and (ag), to read as follows:

(ad) *New herd means a herd of cervids formed after the effective date of*

this subdivision; or a herd of cervids, the ownership of which has changed after the effective date of this subdivision, including but not limited to a herd that is owned by a corporation or limited liability company that has had a change in the person or people in a position of power or control after the effective date of this subdivision; or a herd of cervids that has changed its program category such as from a CWD Certified Herd to a CWD Monitored Herd after the effective date of this subdivision.

(ae) *Veterinarian means a veterinarian duly approved by the administrator of USDA/APHIS accredited to perform functions of Federal and cooperative State-Federal programs on food and fiber animal species; all other livestock species; and zoo animals that can transmit exotic animal diseases to livestock.*

(af) *Veterinary Client Patient Relationship means an association, whether or not contractual in nature, between a veterinarian and the owner of a herd of cervids in which the veterinarian:*

(1) *has knowledge of the cervids to the extent that the veterinarian is capable of a general diagnosis of the health of each cervid; and*

(2) *is readily available to perform diagnostic testing of the herd to detect the presence of disease, including but not limited to brucellosis, CWD, and tuberculosis; and*

(3) *performs an annual herd inventory; and*

(4) *is readily available to treat a cervid, in the event that the cervid requires medical attention, care, or therapy.*

(ag) *Inspection Report means a document, prepared by a Department employee, or by a person duly designated by the Commissioner of Agriculture and Markets, and headed Cervidae Operation Report, that sets forth that employee's findings regarding the conditions existing in a captive cervid population.*

Subdivision (c) of section 68.2 of 1 NYCRR is amended read as follows:

(c) *Movement of captive cervids.*

No person shall import, move or hold captive cervids into or within New York State except in compliance with the requirements of this Part. A valid certificate of veterinary inspection shall accompany all cervids imported into New York State, with the exception of those moving directly to slaughter. In addition, no person shall import or move captive cervids into the State or within the State for any purpose, including slaughter unless a movement permit authorizing such movement has been obtained from the department prior to such movement. An application for movement permit may be obtained by calling the department during normal business hours and, when submitted for a herd located within the State, must be accompanied by the most recent Inspection Report. In the event that an applicant for a movement permit is required to but does not possess the most recent Inspection Report, the department will replace the Inspection Report upon payment of an amount commensurate with the department's cost in doing so. [The department will consult with the New York State Department of Environmental Conservation prior to the issuance of a movement permit.] Except for cervids moving directly to slaughter, movement permits shall be issued only for captive cervids that meet the New York State animal health requirements for captive cervids of this Part. All cervids to be moved, other than cervids moving directly to slaughter, must have approved, unique and tamper evident identification prior to movement. The removal or alteration of any official form of animal identification without the prior permission of the department is prohibited.

Section 68.2 of 1 NYCRR is amended by adding thereto a new subdivision (j), to read as follows:

(j) *Mandatory Relationships.*

An owner of a new herd shall enter into and have a Veterinary Client Patient Relationship (VCPR) with a veterinarian, not later than September 1, 2022. The owner of an existing herd shall enter into and have a VCPR with a veterinarian, not later than January 1, 2026. Notwithstanding the forgoing, an owner who has not complied with the requirement set forth herein shall have ninety days from the date that compliance is required to enter into a VCPR.

Text of proposed rule and any required statements and analyses may be obtained from: Dr. Joy Bennett, Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-7886, email: joy.bennett@agriculture.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.

Regulatory Impact Statement

1. Statutory authority:

Agriculture and Markets Law (“A&ML”) sections 18(6), 72, 74. A&ML section 18(6) authorizes the Commissioner of Agriculture and Markets (“Commissioner”) to promulgate rules to carry out, inter alia, the provisions of the A&ML cited herein. A&ML section 72 authorizes the Commissioner to adopt rules for the control, suppression, and eradication of communicable diseases in domestic animals for the purpose of preventing the spread of infection and contagion among them. In addition, A&ML section 74 authorizes the Commissioner to adopt and promulgate rules to give full effect to this section including the provision therein that requires a person who brings a domestic animal from outside the State into the State to give information to the Department of Agriculture and Markets (“Department”) regarding such animal.

2. Legislative objective:

In enacting A&ML sections 72 and 74, the legislature provided a statutory scheme designed to ensure that domestic animals to be imported into, or located in, the State are free of disease or are properly treated if diseased or exposed to disease. The proposed rule addresses that objective by amending 1 NYCRR Part 68 to require that a person may not move a captive cervid into or within the State without having first submitted to the Department a copy of an Inspection Report that sets forth the conditions existing in the cervid’s herd. The proposed rule also addresses the objective referred to above by requiring an owner of a newly-formed herd of cervids or a herd under new ownership to enter into a Veterinary Client Patient Relationship (“VCPR”) with a veterinarian not later than September 1, 2022 and also requires an owner of an existing herd to enter into a VCPR with a veterinarian not later than January 1, 2026.

3. Needs and benefits:

The proposed rule will amend 1 NYCRR Part 68 to require that a person who wants to move a captive cervid into or within the State provide the Department, when submitting an application for a movement permit, with an Inspection Report that sets forth the conditions in the cervid’s herd. This amendment is needed to provide the Department with notice as to when movement of a cervid might be problematical; for example, when a cervid is from a herd the health status of which cannot be verified and is, therefore potentially diseased and a threat, if moved, to spread disease to other cervids, other species, and potentially to humans. Promulgation of this amendment will benefit the State’s animal industry, its tourism industry, and the general welfare as the spread of disease in animals and humans will be better controlled.

The proposed rule will also amend 1 NYCRR Part 68 to require an owner of a newly-formed herd of cervids and a new owner of an existing herd to enter into a VCPR, not later than September 1, 2022 (owners of exiting herds will have until January 1, 2026 to enter into such an agreement). This amendment is needed to better ensure that the captive cervid population is healthy and being adequately monitored to prevent disease and to detect and treat disease in the event that an outbreak occurs.

This amendment will benefit the State’s entire livestock industry. Captive cervids can, if diseased, spread that disease to other captive cervids, the wild deer population, and other species; cervids in a herd that is periodically and regularly monitored and examined by a veterinarian, expert in Cervidae physiology, infectious disease, pharmacology, nutrition, and biosecurity, are less likely to contract disease such as tuberculosis and brucellosis and to spread those diseases to wild or domestic animals.

This amendment will also benefit the State’s meat consumers in that it may cause an increase in the supply of meat for human consumption. Captive cervids are considered to be a meat-producing species that, however, can enter the food chain only by being slaughtered at a State-licensed facility; typically, such a facility will not accept a cervid for slaughter unless it has been inspected, ante-mortem, by a veterinarian who is a party to a VCPR, entered into with the herd owner.

4. Costs:

a. Costs to regulated parties:

It is not anticipated that the proposed rule requiring a person who wants to move a captive cervid into or within the State to provide an Inspection Report with the movement application will incur any more than a nominal cost to comply with that requirement; the Department anticipates that it will charge no more than \$10.00 for a replacement Report in the event that the original is lost or misplaced.

As set forth above, the proposed rule will also require owners of captive cervid herds to enter into a VCPR with a veterinarian, not later than September 1, 2022, if the owner is in control of a new herd or is a new owner, or not later than January 1, 2026, if the owner is in control of an existing herd. The cost that an owner will incur to comply with this requirement will depend, inter alia, upon the size of the herd, the number

of visits the VCPR requires the veterinarian to make, and the services that the veterinarian is required to and/or does provide. The Department is aware that one owner of a herd of approximately 102 cervids paid a veterinarian \$885.65, in 2021, pursuant to a VCPR, whereas another owner of a herd of approximately 72 cervids paid \$353.97, in 2021. Since the average herd of captive cervids consist of approximately 42 cervids, it is anticipated that the average owner of a herd of captive cervids who is required to enter into a VCPR will incur an annual cost of approximately \$285.58 which, however, will be reduced by the amount that the owner saves in not having to treat or dispose of cervids that, in the absence of having been properly cared for by a veterinarian, would contract disease or would die.

b. Costs to the agency, the State, and local government for the implementation and continuation of the rule:

It is not anticipated that any governmental unit, or agency thereof, will incur a cost upon adoption of the proposed rule.

5. Local government mandates:

These regulatory changes do not impose any obligations on local governments.

6. Paperwork:

Under the proposed amendment, captive cervid owners would need to furnish a copy of their most recent Inspection Report when applying for a movement permit. This information will be used to verify herd status for Chronic Wasting Disease, tuberculosis, and brucellosis. This proposal does not impose any additional requirements for paperwork.

7. Duplication:

These regulatory changes will not duplicate any existing state or federal rule.

8. Alternatives:

The only alternative considered was to not amend the regulation. This alternative was rejected because the lack of a VCPR results in a negative impact on animal health and well-being and leads to excessive reliance on state-employed animal health officials to complete required herd testing that private veterinarians should be covering.

9. Federal standards:

This proposal exceeds the minimum standards of the federal government. Federal rules and regulations do not specifically require a VCPR for captive cervids. However, a VCPR is required by the U.S. Food and Drug Administration (“FDA”) for certain uses of drugs. Pursuant to Title 21 of the Code of Federal Regulations (“CFR”) section 310.3(i), the federal VCPR rule applies to any use of an FDA-approved human drug in animals, including over-the-counter drugs and the use of an FDA approved animal drug in any method that differs from its approved labeling (extra label drug use). In addition, a VCPR is also required, pursuant to 21 CFR section 558.6(b)(1)(ii), for use of compounded drugs by veterinarians and a veterinarian’s authorization of a Veterinary Feed Directive (“VFD”).

The Department determined that a VCPR was necessary for captive cervids because, unlike other major species (cattle, swine, sheep, and goats), veterinary care is not always standard practice for captive cervids yet is essential for the health and well-being of the animals. Veterinarians are also needed to perform official herd testing and inventories for captive cervid herds.

10. Compliance schedule:

As set forth in the proposed rule, an owner of a new herd will have until September 1, 2022 to enter into a VCPR and an owner of an existing herd will have until January 1, 2026 to do so. The extended time for compliance for existing herds is deemed necessary to 1) allow cervid farmers the time to obtain the services of a veterinarian and 2) allow Department staff time to provide training to veterinarians that are interested in providing their services to captive cervid farms. In most areas of the State, there are private veterinarians that are already performing these types of services. The extended timeline will ensure that all areas of the State have access to veterinarians that provide services for captive cervids.

Regulatory Flexibility Analysis

1. Effect of rule:

A small business is defined in SAPA section 102(8) to mean a business, resident in New York and independently owned and operated, that employs one hundred and less individuals. The proposed rule will not regulate local governments but will require persons who move cervids inter or intrastate to furnish an Inspection Report with a movement application and will also require each owner of captive cervids to enter into a Veterinary Client Patient Relationship (“VCPR”) with a veterinarian, on a time-frame set forth in the proposed rule.

There are 206 captive cervid farms in the State, each of which is a small business and each of which will be affected by the proposed rule.

2. Compliance requirements:

Captive cervid owners will need to establish a VCPR with a veterinarian. In addition to providing veterinary care and treatment for sick animals, it is anticipated that veterinarians will be needed to conduct testing to maintain a herd’s status in certain herd health programs, including the Chronic Wasting Disease (“CWD”) certified herd program, the tuberculo-

sis accredited free program, and the brucellosis certified free program. Participation in these programs is optional; however, movement of cervids may require participation in some or all these programs, depending on the destination and the type of cervid to be moved. Captive cervid owners will also need to provide a copy of their most recent Inspection Report when applying for a permit to move their cervids. Following an inspection, the Report is provided to the owner free of charge. Lost or missing reports may be replaced at a charge equivalent to replacement cost.

3. Professional services:

Captive cervid owners will need the professional services of an accredited veterinarian to perform health examinations, diagnostic testing, annual herd inventories, and to administer treatments to sick animals as necessary.

4. Compliance costs:

It is not anticipated that the proposed rule requiring a person who wants to move a captive cervid into or within the State to provide an Inspection Report with the movement application will incur any more than a nominal cost to comply with that requirement; the Department of Agriculture and Markets ("Department") anticipates that it will charge no more than \$10.00 for a replacement Report in the event that the original is lost or misplaced.

As set forth above, the proposed rule will also require owners of captive cervid herds to enter into a VCPR with a veterinarian, not later than September 1, 2022 if the owner is in control of a new herd or is a new owner, or not later than January 1, 2026 if the owner is in control of an existing herd. The cost that an owner will incur to comply with this requirement will depend, inter alia, upon the size of the herd, the number of visits the VCPR requires the veterinarian to make, and the services that the veterinarian is required to and/or does provide. The Department is aware that one owner of a herd of approximately 102 cervids paid a veterinarian \$885.65, in 2021, pursuant to a VCPR, whereas another owner of a herd of approximately 72 cervids paid \$353.97, in 2021. Since the average herd of captive cervids consist of approximately 42 cervids, it is anticipated that the average owner of a herd of captive cervids who is required to enter into a VCPR will incur an annual cost of approximately \$285.58 which, however, will be reduced by the amount that the owner saves in not having to treat or dispose of cervids that, in the absence of having been properly cared for by a veterinarian, would contract disease or would die.

5. Economic and technological feasibility:

The economic and technological feasibility of complying with the proposed rule has been assessed. The rule is economically feasible. For a cervid herd of 42 animals, adoption of this rule is expected to increase operating costs by an average of \$285.58 per year. Veterinary costs are a necessary part of operating a farm and is standard practice across farms with all other types of livestock (cattle, swine, sheep, goat, poultry, etc.). The rule is technologically feasible. This rule does not add any requirements that would necessitate the use of additional technology. The rule would have no impact on local governments.

6. Minimizing adverse impact:

In conformance with State Administrative Procedure Act section 202-b(1), the proposed amendments were drafted to minimize economic impact and reporting requirements for all regulated parties, including small businesses. The Department has taken steps to implement a flexible timeline for compliance. Owners of existing captive cervid herds will have until Jan 1, 2026 to meet the requirements of the rule. In addition, Division of Animal Industry veterinary staff will be available to assist private veterinarians that are interested in performing services for captive cervid farms by performing training, guidance, and instruction.

7. Small business and local government participation:

The proposed rule will have no affect upon local government. The Department conducted outreach by providing the draft express terms of the proposed rule to the New York Deer and Elk Farmers Association ("NYSDEFA"), the Reindeer Owners and Breeders Association, and the New York Farm Bureau, organizations that have as members, in whole or in part, owners of captive cervid operations; such organizations were so informed on November 8, 2021 and given until November 30, 2021 to submit comments; only one comment was received, from the NYSDEFA, that proposed that that provision of the proposed rule that would require an owner of a captive cervid herd to enter into a VCPR could prove burdensome to an owner in financial difficulty.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed rule will apply to 206 captive cervid farms in the State, almost each of which is in a county of 200,000 people or less or in a political subdivision in a county of more than 200,000 people that has a population of 150 people or less per square mile.

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

The proposed rule will not impose any reporting requirements. The proposed rule will require operators of captive cervid farms to enter into a Veterinarian Client Patient Relationship ("VCPR") with a licensed veteri-

narian; each such operator will be functionally required to keep a copy of the document that sets forth the terms of such VCPR so as to be able to prove that it is in compliance with such requirement.

The proposed rule will, as set forth above, require each operator of a captive cervid operation to obtain the professional services of a licensed veterinarian, in connection with entering into a VCPR with that person.

3. Costs:

a. Costs to regulated parties:

It is not anticipated that the proposed rule requiring a person who wants to move a captive cervid into or within the State to provide an Inspection Report with the movement application will incur any more than a nominal cost to comply with that requirement; the Department of Agriculture and Markets ("Department") anticipates that it will charge no more than \$10.00 for a replacement Report in the event that the original is lost or misplaced.

As set forth above, the proposed rule will also require owners of captive cervid herds to enter into a VCPR with a veterinarian, not later than September 1, 2022 if the owner is in control of a new herd or is a new owner, or not later than January 1, 2026 if the owner is in control of an existing herd. The cost that an owner will incur to comply with this requirement will depend, inter alia, upon the size of the herd, the number of visits the VCPR requires the veterinarian to make, and the services that the veterinarian is required to and/or does provide. The Department is aware that one owner of a herd of approximately 102 cervids paid a veterinarian \$885.65, in 2021, pursuant to a VCPR, whereas another owner of a herd of approximately 72 cervids paid \$353.97, in 2021. Since the average herd of captive cervids consist of approximately 42 cervids, it is anticipated that the average owner of a herd of captive cervids who is required to enter into a VCPR will incur an annual cost of approximately \$285.58 which, however, will be reduced by the amount that the owner saves in not having to treat or dispose of cervids that, in the absence of having been properly cared for by a veterinarian, would contract disease or would die.

b. Costs to the agency, the State, and local government for the implementation and continuation of the rule:

It is not anticipated that any governmental unit, or agency thereof, will incur a cost upon adoption of the proposed rule.

4. Minimizing adverse impact:

This rule was drafted to minimize economic impact and reporting requirements for all regulated parties. Adoption of the rule requires captive cervid owners to have, and incur the cost of entering into, a VCPR; however veterinary care is critical for maintaining healthy herds and captive cervid farms with healthy animals are more profitable. Under the proposed rule, captive cervid owners will only need to pay for the veterinary services they need to operate. For instance, brucellosis testing for brucellosis free status is only necessary for shipments to certain states.

5. Rural area participation:

The Department conducted outreach by providing the draft express terms of the proposed rule to the New York Deer and Elk Farmers Association ("NYSDEFA"), the Reindeer Owners and Breeders Association, and the New York Farm Bureau, organizations that have as members, in whole or in part, owners of captive cervid operations; such organizations were so informed on November 8, 2021 and given until November 30, 2021 to submit comments; only one comment was received, from the NYSDEFA, that provided that that provision of the proposed rule that would require an owner of a captive cervid herd to enter into a VCPR could prove burdensome to an owner in financial difficulty.

Job Impact Statement

1. Nature of impact:

Adoption of the proposed rule may increase operating costs for owners of captive cervid farms. However, it is not anticipated to have a negative impact on jobs or employment. The proposed rule is expected to benefit small business, specifically veterinary practices that take on cervid services.

2. Categories and numbers affected:

There are 206 captive cervid farms in New York. Adoption of this proposed rule would affect approximately 126 of these herds, including chronic wasting disease ("CWD") certified herds and herds with cervids that are not susceptible to CWD. It is not expected to have a significant impact on CWD monitored herds or other herds with cervids quarantined to the premises.

3. Regions of adverse impact:

Captive cervid herds are primarily located in rural areas throughout the State, but the proposed rule, if adopted, will not have a disproportionate impact on jobs or employment opportunities in those regions.

4. Minimizing adverse impact:

The Department of Agriculture and Markets has taken steps to implement a flexible timeline for compliance. Owners of existing captive cervid herds will have until January 1, 2026 to meet the requirements of the rule. In addition, Division of Animal Industry veterinary staff will be offering assistance (training, guidance, etc.) to private veterinarians that are interested in performing services for captive cervid farms.

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

Voluntary Program for the Production of Virus-Tested Plant Materials

I.D. No. AAM-24-22-00002-P

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

Proposed Action: This is a consensus rule making to repeal Part 150; and add new Part 150 to Title 1 NYCRR.

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

Subject: Voluntary Program for the Production of Virus-Tested Plant Materials.

Purpose: To implement procedures to better enable certification and sale of virus-tested materials.

Substance of proposed rule (Full text is posted at the following State website: <https://agriculture.ny.gov/plant-industry/express-terms-1-nycrr-part-150>): This regulation repeals the old Part 150, and adopts a new Part 150 to 1 NYCRR, which establishes the voluntary program for the production of virus-tested plant materials.

A summary of each section of the rule follows:

Section 150.1: Definitions. This is the definition section.

Section 150.2: Voluntary Program. Establishes the voluntary program for the production of virus-free plant material, and outlines the application process, revocation of a registration, and voluntary termination of a registration.

Section 150.3: Plantings. Defines the responsibilities of a registration holder concerning location, treatment, eligibility to plant, and maintenance of plantings.

Section 150.4: Inspection and testing procedures. Describes inspection and testing procedures to be conducted by the Department.

Section 150.5: Identification. Explains notification and identification requirements by registered participants of the program, and establishes that no marketing or advertising materials may claim to be a certified virus-free tested plant without a registration under this Part.

Section 150.6: Compliance with other regulations. Compliance with the regulations in this Part shall not relieve failure to comply with any additional applicable international, federal, state, county, regional or local law or regulation.

Text of proposed rule and any required statements and analyses may be obtained from: Margaret Kelly, Assistant Director, New York State Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-5985, email: margaret.kelly@agriculture.ny.gov

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

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

Consensus Rule Making Determination

The Department has considered this proposed rulemaking and has determined that this rule is a consensus rule within the meaning of State Administrative Procedure Act section 102(11), in that no person is likely to object to the rule as written since it is noncontroversial.

The proposed rule will amend Part 150 of 1 NYCRR by repealing the current Part 150 and adding a new Part 150 to be headed "Voluntary Program for the Production of Virus-Tested Plant Materials". No one is likely to object since no one is required to participate in the program provided for therein.

Furthermore, no one is likely to object to the new Part 150 because, if promulgated, it would allow a participant to test a plant in order to determine whether it is infested with a virus or virus-like pathogen that could cause economic damage or loss, by additional means than currently allowed (i.e., a participant can now test a plant by making a graft with tissue – the proposed rule will continue to allow that method as well as allowing, inter alia, serological and molecular methods, each of which is less costly and allow for a quicker determination as to whether the plant is infested).

For the foregoing reasons, it is unlikely that anyone will object to this rule as written since it is noncontroversial.

Job Impact Statement

The proposed rule amends Title 1 of the NYCRR by repealing existing Part 150 and adding a new Part 150, to be headed "Voluntary Program for the Production of Virus-Tested Plant Materials."

The new Part 150 contains substantially the same provisions as existing Part 150 with a few important exceptions. First, the new Part 150 will al-

low nurseries that participate in the program to use certain tests that are not presently approved for use to determine whether a plant is infested with a virus or virus-like pathogen. These tests are less expensive and that may be performed more quickly than the test that is presently approved, and will allow participating nurseries to more readily respond to consumers' demand for new, virus-free varieties. Further, the new Part 150 will allow plant material from nurseries in other states to be certified as virus-free, thereby potentially allowing participating nurseries to better respond to consumer demand.

It is not anticipated that the proposed rule will have a significant impact upon jobs but, to the extent that it allows participating nurseries to more effectively and efficiently respond to consumer demand, those firms may become more profitable which could have a beneficial impact upon jobs.

Office of Cannabis Management

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

Packaging, Labeling, Marketing and Advertising of Adult-Use Cannabis

I.D. No. OCM-24-22-00013-P

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

Proposed Action: Addition of Parts 128 and 129 to Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13, 81 and 86

Subject: Packaging, Labeling, Marketing and Advertising of Adult-Use Cannabis.

Purpose: The proposed rules establish parameters around the packaging, labeling, marketing, and advertising of adult-use cannabis products in accordance with the Cannabis Law and creates requirements intended to protect the health and safety of consumers and help prevent targeting cannabis products to youth.

Substance of proposed rule (Full text is posted at the following State website: cannabis.ny.gov): Pursuant to the authority vested in the Cannabis Control Board by Sections 13,81 and 86 of the Cannabis Law, Chapter II of Subtitle B of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York is hereby amended, and a new Part 128 and Part 129 are added, to be effective upon publication of a Notice of Adoption in the New York State Register.

§ 128.1 Definitions

This section defines all definitions used for both Part 128 and Part 129, including but not limited to, attractive to individuals under twenty-one, brand or branding for purposes of packaging, labeling, marketing, and advertising, child-resistant, exit package, principal packaging display panel and universal symbol.

§ 128.2 Cannabis Product Retail Packaging Minimum Standards

This section provides the minimum standards for retail packaging for adult-use cannabis products, including but not limited to, the requirements that products be packaged in a manner that is child resistant, tamper-evident, fully enclosed, minimizes oxygen exposure and prevents the contamination or degradation of the cannabis product, and non-toxic. Further, establishes that a licensee shall implement a recycling program for cannabis product packaging after submitting written notification to the Office of Cannabis Management (Office).

§ 128.3 Cannabis Product Retail Packaging Prohibitions

This section contains the prohibitions for adult-use cannabis product packaging, including but limited to, a ban on any packaging that may appeal to minors (e.g. cartoons, symbols, characters, celebrities, phrases, toys, or games that are commonly used to market products to minors); multiple brand logos; unapproved graphics; features which emits scent or sound; and any modification to the packaging appearance through technology, except for anti-counterfeiting purposes.

§ 128.4 Retail Packaging Sustainability Program

This section details product packaging requirements related to sustainability including, but not limited to submission of a plan for an environmental sustainability program for cannabis product packaging as part of their application for licensure. This section also defines parameters for appropriate product packaging re-use, including safeguards related to sanitization and maintaining child-resistant packaging requirements. All environmental sustainability plans must be compliant with Title 16 of the Code of Federal Regulations relating to Commercial Practices in Part

1700 as well as Part 260 regarding Guides for the Use of Environmental Marketing Claims. This section also outlines annual reporting requirements for licensees to the Office related to product packaging amount, weight, size, distribution, sales and cost. Licensees may also need to report progress on their environmental sustainability during the licensing renewal process.

§ 128.5 Cannabis Product Labeling Minimum Standards.

This section details minimum standards for retail labeling for adult-use cannabis products, including but not limited to: the requirements that products be labeled in a manner that includes, total single serving amount and total per package amount of THC, CBD, and any other marketed cannabinoid or terpene; total number of servings per package; total weight; lot number; list of all inactive and active ingredients; names of any solvents used; expiration date; use by date; proper storage conditions; full contact information of product manufacturer or distributor; required warning symbols and language (including location and font specifications); usage instructions; and a link to a downloadable certificate of analysis of the laboratory results.

§ 128.6 Cannabis Product Labeling Prohibitions

This section describes the prohibitions for adult-use cannabis product labeling, including but not limited to, labeling done in a manner that: is presented with a special attractiveness for individuals under 21, includes false or misleading statements, includes the terms “organic” or “craft”, creates consumer confusion, falsely portrays cannabis or cannabis products, depicts unpermitted cannabis, promotes overconsumption, promotes lowered pricing/discounts/or coupons, or depicts an individual under 21.

128.7 Retail Packaging and Labeling Violations and Penalties

This section outlines packaging and labeling violations that may result in the suspension, cancellation and revocation of a license; including, but not limited to, the transfer, sale, or intent to sell cannabis products that are not in accordance with Part 128. Additionally, this section provides appropriate forms of compliance correction and product return.

§ 128.8 Referenced Material

This section describes the documents incorporated by reference in Part 128.

§ 129.1 Definitions

This section refers to section 128.1 for the definitions used in Part 129.

§ 129.2 Adult-Use Marketing and Advertising General Requirements

This section sets forth the standards for marketing and advertisement of adult-use cannabis products including all marketing materials, labels and signage be in accordance with Part 128 & 129 as well as requiring that all advertising and marketing materials provide, as their primary purpose, the displacement of the illicit market and inform the consumer of the location of the licensed retail dispensary. The licensee must include required language including, but not limited to: age requirements; poison control hotlines; responsible consumption as well as warnings of impairment, habit forming risk; health risks; and pregnancy/breastfeeding risks. This section also details the requirement that marketing and advertisements should be reasonably targeting in avenues where the audience is over 21. It is the onus of the licensee to assure any third-party agreements related to intellectual property, marketing or advertisement are complying with Part 128 and 129.

§ 129.3 Adult-Use Marketing and Advertising Prohibitions

This section delineates the prohibitions for adult-use cannabis banning marketing and advertisements that: depict cannabis not otherwise permitted by section 128.4; use images that appeal to minors; are in the form of a billboard; use colloquial references or slang to depict cannabis; are false or misleading; promote over/rapid consumption; promote THC potency; promote lowered pricing/discounts/or coupons; claim curative or therapeutic effects; falsely portray products as compliant with Cannabis Law; assert safety of product due to oversight by the Office; depict individuals under 25 using cannabis products or depicts a situation that is attractive to those under the age of 21; use “organic”; contain obscene or indecent material, be within 500 feet of school grounds and other public places easily accessible to individuals under the age of 21; disparage other cannabis businesses; encourage illegal transportation of cannabis or other illicit activity; be distributed as handbills in public areas; include medical symbols; or permits use of non-compliant practices by way of a third-party.

§ 129.4 Outdoor Signage

This section presents the outdoor retail store signage requirements for the purpose of alerting individuals to the location of an adult-use retail dispensary, which is limited to the following content: basic name, location, and nature of the business. Outdoor signage must, amongst other things, be affixed to a permanent structure, be at or under sixteen hundred square inches in size, and are prohibited from including neon lighting, vehicle capabilities, depictions of cannabis or cannabis products, and use of commercial mascots and outdoor signage shall be removed if the Office determines that the outdoor signage violates Cannabis Law or this Part.

Each licensee is allowed two forms of outdoor signage per license and may not place signage in open air facilities such as stadiums, farmers markets, and shopping malls unless otherwise specified as adult-only facilities.

§ 129.5 Adult-Use Marketing and Advertising Violations and Penalties

A licensee shall remove or discontinue advertising, marketing, or outdoor signage if the Office determines that the outdoor signage violates the provisions of Cannabis Law or this Part or if the licensee fails to provide records to the Office upon request that establishes the advertising and marketing meets the requirements of Cannabis Law and this Part including appropriate action against third-party entities who are out of compliance. Penalties also include but are not limited to, recommendations to the Board for suspension cancellation or revocation of a license as well as imposition of any fees or fines.

Text of proposed rule and any required statements and analyses may be obtained from: Diana Yang, Office of Cannabis Management, 1220 Washington Avenue, Albany, NY 12226, (888) 626-5151, email: regulations@ocm.ny.gov

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

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

Regulatory Impact Statement

Statutory Authority:

Sections 13, 81 and 86 of the Cannabis Law provides, in part, that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. Sections 81 and 86 of the Cannabis Law provides, in part, that the Board is authorized to promulgate rules and regulations governing advertising, branding, marketing, packaging, and labeling, amongst other things, of cannabis products sold or possessed for sale in New York State.

Legislative Objectives:

To protect the health and safety of consumers and help prevent targeting cannabis products to youth.

Needs and Benefits:

The proposed rules establish parameters around the packaging, labeling, marketing, and advertising of adult-use cannabis products. Rules proposed for packaging, labeling, marketing, and advertising of adult-use cannabis, accords with the Cannabis Law and creates requirements intended to protect the health and safety of consumers and help prevent targeting cannabis products to youth. The proposed rules include minimum standards for retail packaging for adult-use cannabis products including but not limited to the requirements that adult-use cannabis products be placed in a retail package that is child resistant, tamper-evident and include clear labels with warnings, serving sizes and potency of the cannabis product in a manner easily accessible to potential consumers. Further, the proposed regulations outline prohibited practices including but not limited to packaging, labeling, marketing, and advertising strategies wherein cannabis products are attractive to individuals under the age of 21, promote overconsumption, be in the form of a billboard, or otherwise assert that cannabis or cannabis products are safe because they are regulated by the Office of Cannabis Management (Office). These regulations also outline the violations and penalties for Part 128 or Part 129.

The proposed rule provides the structure and access to adult-use cannabis products in a manner that protects public health and safety and limits the attractiveness to individuals under the age of twenty-one (21), by detailing the necessary cannabis product packaging, labeling, marketing, and advertising guidelines as well as prohibited practices.

Costs:

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

The Office discussed anticipated costs for packaging and labeling with other states who have already implemented and currently oversee existing adult-use cannabis programs. Costs vary significantly and fall primarily on individual licensees, not oversight entities, therefore, other regulators were unable to speak to these costs, however, costs are anticipated to be commensurate with the costs of other consumer goods. The entities that are required to package in accordance with these regulations will be required to obtain packaging that meets the requirements.

Costs to State and Local Governments:

The proposed rule does not require local governments to perform any additional tasks and therefore the Office of Cannabis Management does not anticipate a cost associated to the proposed regulations. The Office of Cannabis Management anticipates an increased administrative cost to support the ongoing monitoring and compliance for the adult-use cannabis program. Staff will be required to provide oversight and monitoring to ensure all licensees are packaging, labeling, marketing, and advertising in compliance with Parts 128 & 129.

Local Government Mandates:

The proposed rule does not impose any new programs, services, duties, or responsibilities on local government.

Paperwork:

Part 128 states if a licensee returns a cannabis product to the licensee who transferred the product, the licensee must document the return and the reason for the return in a licensee's inventory tracking system.

Any licensee shall maintain records and documentation to establish that its packaging, marketing, labeling and advertising meets the requirements of Part 129. A licensee shall accurately and legibly include its name and license number on all advertising and marketing for its products. Finally, the licensee is required to have an environmental sustainability program which shall require that any licensee who packages products for retail sale shall report key metrics, including total amount of packaging material sold or offered for sale or distributed and the total cost of packaging material.

Duplication:

The proposed rule does not duplicate any existing State or federal requirements that are applicable to an adult-use cannabis program.

Alternatives:

When drafting the proposed regulations for packaging, labeling, marketing, and advertising, the Office considered the multitude of legislation and regulations that have already been promulgated in other States, including but not limited to, California, Colorado, Maine, Massachusetts, Maine, Michigan, New Jersey, Oregon, and Washington. The proposed language is adopted from similar provisions and best practices in other states to best address the needs of New York State including provisions governing the minimum requirements and prohibitions for packaging, labeling, marketing and advertising, which includes, but is not limited to, the definition of 'attractive to individuals under the age of twenty-one', the specifics around outdoor signage, the specific warnings that must be stated for labels and in cannabis marketing, and labeling font size requirements.

Federal Standards:

Federal requirements do not include provisions for an adult-use cannabis program.

Compliance Schedule:

The proposed regulations will take effect upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

The proposed rules establish parameters around the packaging, labeling, marketing, and advertising of adult-use cannabis products. Rules proposed for packaging, labeling, marketing, and advertising of adult-use cannabis, accords with the Cannabis Law and creates requirements intended to protect the health and safety of consumers and help prevent targeting cannabis products to youth.

The proposed rules include minimum standards for retail packaging for adult-use cannabis products, including but not limited to, the requirements that adult-use cannabis products be placed in a retail package that is child resistant, tamper-evident and include warnings, serving sizes and potency of the cannabis product in a manner easily accessible to potential consumers. Further, the proposed regulations outline prohibited practices including but not limited to packaging, labeling, marketing and advertising strategies wherein cannabis products are attractive to individuals under the age of 21, promote overconsumption, be in the form of a billboard, or otherwise assert that cannabis or cannabis products are safe because they are regulated by the Office of Cannabis Management (Office). These regulations also outline the violations and penalties for Part 128 and Part 129.

Compliance Requirements:

All adult-use licensees, even those that fall under the definition of a small business will be required to maintain records and documentation to establish that all advertising and marketing for these adult-use licenses meet the requirements of this proposed rule. Furthermore, it is required that licensees provide due diligence to market or advertise to target audiences where 90% of the audience composition is twenty-one (21) and over. Licensees will have to maintain records on their retail packaging to ensure that they are certified as child-resistant. The Office does not anticipate any additional responsibilities on the part of packaging, labeling, marketing, and advertising required from local governments. Finally, the licensee is required to have an environmental sustainability program which shall require that any licensee who packages products for retail sale shall report key metrics, including total amount of packaging material sold or offered for sale or distributed and the total cost of packaging material.

Professional Services:

No new professional services will be required of small business entities and local governments.

Compliance Costs:

The Office discussed anticipated costs for packaging and labeling with other states who have already implemented and currently oversee existing adult-use cannabis programs. Costs vary significantly and fall primarily

on individual licensees, not oversight entities, therefore, other regulators were unable to speak to these costs, however, costs are anticipated to be commensurate with the costs of other consumer goods. Eventually, when entities become licensed to cultivate, process, distribute, deliver, or sell cannabis within New York State, there will be costs associated with the packaging, labeling, marketing, and licensing of cannabis products. How great the compliance costs associated with the actual packaging, labeling, marketing, and licensing will depend largely on the amount of adult-use cannabis the adult-use licensee intends to sell and the amount of effort they would be placing in their marketing. The Office does not anticipate any compliance costs to be attributable to local governments.

Economic and Technological Feasibility:

The proposed rulemaking is economically and technologically feasible for small businesses and local government compliance. There will not be additional requirements for compliance for local governments and any adult-use licensee will need to determine how much cannabis or cannabis product they intend to cultivate, process, manufacture, distribute or sell in order to ensure economic and technological feasibility for themselves. The market shall stabilize itself in order to comply with these proposed rules.

Minimizing Adverse Impact:

The Office does not anticipate an adverse impact from these proposed regulations on small businesses and local governments.

Small Business and Local Government Participation:

The proposed rule was developed in response to feedback from multiple organizations, state agencies, advocates, criminal justice entities and cannabis consumers who have provided feedback and suggestions for the implementation of adult-use cannabis in New York State. Specifically, the proposed rule was shared with sister agencies such as the Department of Health, the Department of Environmental Conservation, the Department of Agriculture and Markets, and the Office of Addiction Services and Supports. The Office has made presentation to local governments regarding advertising and marketing and have received questions and comments, as well as collaborated with several of them, including New York City, to engage in a statewide Cannabis Campaign where the proposed rules were discussed and were used as a guide since they have yet to be promulgated. There will be a 60-day public comment period with the regulations that will allow for additional comments to be considered.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

Outside of major cities and metropolitan population centers, most counties in New York State contain rural areas.

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

All reporting, recordkeeping, or other compliance requirements will be limited to the entities who are licensed by the Office of Cannabis Management (Office). All licensees must maintain records and documentation to establish that its packaging, marketing, labeling, and advertising meets the requirements of Part 129. A licensee shall accurately and legibly include its name and license number on all advertising and marketing for its products. The Office does not anticipate any new professional services to be required of rural areas.

Costs:

The Office discussed anticipated costs for packaging and labeling with other states who have already implemented and currently oversee existing adult-use cannabis programs. Costs vary significantly and fall on individual licensees, not oversight entities and therefore, other regulators were unable to speak to these costs, costs, however, they are anticipated to be commensurate with the costs of other consumer goods. The entities that are required to package in accordance with these regulations will be required to obtain packaging that meets the requirements.

Minimizing Adverse Impact:

The Office does not anticipate any adverse impact on rural areas with the proposed regulations.

Rural Area Participation:

The proposed rule was developed in response to feedback from multiple organizations, state agencies, advocates, criminal justice entities and cannabis consumers who have provided feedback and suggestions for the implementation of adult-use cannabis in New York State. There will be a 60-day public comment period with the regulations that will allow for additional comments to be considered.

Job Impact Statement

The proposed rule will allow for the creation of new jobs to support the activities of entities licensed by the Office of Cannabis Management as well as other ancillary businesses participating in the marketing, advertising, packaging, and labeling required to make adult-use cannabis accessible. A portion of funds, including revenues pursuant to Article 4 of the Cannabis Law, shall be used to support job placement, job skills services, as well as adult education. This Office has determined that there are no foreseeable adverse impacts on jobs.

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

Permitting and Regulating Cannabis Laboratories

I.D. No. OCM-24-22-00014-P

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

Proposed Action: Addition of Part 130 to Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13, 43, 89, 105 and 129

Subject: Permitting and regulating Cannabis Laboratories.

Purpose: To protect public health and safety through regulating and permitting laboratories, analyzing adult-use and medical cannabis to ensure accurate and reliable results are released by such laboratories and providing such results to the Office of Cannabis Management (Office) and licensees, and aiding in the determination that final cannabis products accurately reflect potency, and meet regulatory limits for contaminants.

Substance of proposed rule (Full text is posted at the following State website: cannabis.ny.gov): A new Part 130 is added to Chapter II, of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York, regulating cannabis testing laboratories in New York State to be effective upon publication of a Notice of Adoption in the New York State Register.

§ 130.1 Definitions. Section 130.1 defines terms used in Part 130, including but not limited to: analyte, analyte withdrawal, approved method, cannabis laboratory permit, certificate of analysis, data integrity training, laboratory regulatory audit, lead technical director, permit year, phytocannabinoid, proficiency test (PT), PT provider, PT provider accreditor, quality assurance officer, quality system, state reference laboratory, and technical director.

§ 130.2. Cannabis Laboratory Permit Application. Establishes a process under the Office of Cannabis Management (Office) for a cannabis laboratory to apply for a permit which includes the minimum requirements necessary to fill out an application to be authorized as a cannabis laboratory, including but not limited to requirements regarding required information submissions, analyte approvals, performance on proficiency test and proficiency test sample, quality documentation, facility requirements and withdrawal of an application.

§ 130.3 Cannabis Laboratory Fees. Establishes a process under the Office whereby a cannabis laboratory seeking a permit shall pay a non-refundable application fee of \$1,000 and an annual permit fee based on its gross annual receipts, which this regulation establishes minimum criteria to calculate based on varying permitting scenarios. The permit year is April 1 – March 31.

§ 130.4 Cannabis Laboratory Permit Renewal Application. Establishes a process under the Office for a cannabis laboratory to renew its permit annually, including timeframes for renewals. A cannabis laboratory will need to pay a non-refundable application fee of \$1,000 as part of the renewal process.

§ 130.5 Cannabis Laboratory Permit Issuance. Establishes a process under the Office for a cannabis laboratory to receive a provisional permit and full cannabis laboratory permit. This section lists the requirements that a laboratory shall have, including ISO 17025 ISO/IEC 17025 accreditation; qualified technical staff; an acceptable proficiency test history; and paid all applicable fees. In addition to meeting the requirements for a provisional permit, a laboratory shall have successfully completed a laboratory regulatory audit performed by the Office of Cannabis Management.

§ 130.6 Cannabis Laboratory Permit or Renewal Denial. Establishes a process under the Office for a cannabis laboratory's permit to be denied. This section also lists several reasons as to why a cannabis laboratory's permit may be denied, including, but not limited to, failure to submit a completed application; failure to pay an application fee; failure of laboratory staff to meet the personnel qualifications of education, training, and experience; and failure to successfully analyze and report proficiency test results.

§ 130.7 General Cannabis Laboratory Requirements. Establishes a process under the Office whereby a cannabis laboratory maintains a permit, which includes a lists of requirements that a laboratory shall have, including, but not limited to: ISO 17025 ISO/IEC 17025 accreditation; qualified technical staff; a periodic laboratory regulatory audit performed by the Office; completed proficiency tests; and no interest in a registered organization, adult-use cultivator, processor, distributor, retail dispensary, cooperative, microbusiness, delivery, nursery, on-site consumption, registered organization cultivator processor distributor retail dispensary, registered organization cultivator processor distributor, cannabinoid hemp processor, any other license pursuant to the Cannabis Law; and, is located in New York State, until such time interstate commerce of cannabis is permissible.

§ 130.8 Required Proficiency Testing. Establishes a process under the Office requiring a potential or permitted cannabis laboratory to participate in proficiency testing, which includes but is not limited to: submitting reports directly to the proficiency testing provider, receiving testing results, obtain and maintain approval for given analytes or groups of analytes; supplemental proficiency tests; and supplying proficiency test scores.

§ 130.9 Unsatisfactory Proficiency Test Performance. Provides a list of the reasons why a cannabis laboratory's approval for an analyte or group of analytes may be unapproved, which include failing two (2) out of three (3) most recent proficiency tests attempted for a particular analyte or group of analytes; or failing to provide a corrective action report to the Office within thirty (30) calendar days of a request for a corrective action report from the Office. This section also provides the conditions that a cannabis laboratory must meet to regain approval for an analyte or group of analytes. A cannabis laboratory shall re-establish a proficiency test history of two (2) successful proficiency test results out of the three (3) most recent attempts for an analyte or group of analytes tested.

§ 130.10 Laboratory Regulatory Audit. Establishes the requirements for a cannabis laboratory to be periodically audited as well as audited to ISO 17025 ISO/IEC 17025 accreditation by a laboratory accreditation authority approved by the Office and contains the required process for a cannabis laboratory to respond to any findings as a result of laboratory regulatory audit by the Office.

§ 130.11 General Cannabis Personnel Qualification. Lists requirements for personnel employed by cannabis laboratories, including minimum age requirements, establishment of an employee training program and implementation of data integrity training for each employee of the cannabis laboratory.

§ 130.12 Cannabis Technical Director Qualifications. Provides the minimum educational and experience requirements for a cannabis laboratory technical director and includes an exemption for an individual who meets the experience requirements but not the educational and/or credential requirements of this Part.

§ 130.13 Cannabis Quality Assurance Officer Qualifications. Provides the minimum educational and experience requirements for a quality assurance officer of a cannabis laboratory and includes the duties and responsibilities of a quality assurance officer.

§ 130.14 Cannabis Laboratory Technician Qualifications. Provides the minimum educational and experience requirements for a cannabis laboratory technician.

§ 130.15 Approval of Laboratory-Developed Methods. Details the data and information that shall be submitted by a cannabis laboratory seeking approval for use of a laboratory-developed method as an alternative to using a currently approved method and the process the Office takes to respond or deny a request for method approval, including conducting an independent review of any approved method to substantiate or refute its technical merit.

§ 130.16 Laboratory Sampling Firm Approval. Establishes the requirements under the Office of Cannabis Management whereby a laboratory sampling firm obtains approval, which is granted for a two-year period as well as rules regarding conditional approval.

§ 130.17 Laboratory Sampling Firm Fee. Requires a laboratory sampling firm seeking approval to pay a non-refundable application fee of \$500 and a two-year approval fee of \$1,000.00, creating grounds for non-renewal if the laboratory sampling firm fails to pay the appropriate fee.

§ 130.18 Laboratory Sampling Firm Reapproval. Establishes the requirement under the Office of Cannabis Management whereby a laboratory sampling firm is reapproved for another two-year term, including rules on submitting a reapproval application and associated fees.

§ 130.19 Laboratory Sampling Firm Requirements. Establishes the requirements under the Office that shall be met by a laboratory sampling firm, including sampling and transportation, safety and security of samples being collected and transported, and having a shipping manifest accompany all samples collected and transported.

§ 130.20 Cannabis Sampling Technician Qualifications. Provides the minimum educational and experience requirements for sampling technicians.

§ 130.21 Sampling of Cannabis Product and Medical Cannabis. Establishes the requirements under the Office for a laboratory sampling firm to collect representative medical or adult-use cannabis samples using an acceptable process to collect and transport the sample safely and securely with assurance of impartiality, including but not limited to, the physical presence of the requesting licensee to observe sampling firm obtaining the sample, video-recording of the sampling including batch number, and paperwork associated with once the sample has been selected.

§ 130.22 Testing of Cannabis Product and Medical Cannabis. Establishes the required analytes to be tested and their respective limits under the Office, including a requirement that each laboratory technician shall complete a demonstration of capability as well as the use of analyte or groups of analytes for testing phytocannabinoid profiles.

§ 130.23 Certificates of Analysis. Establishes a time frame for a cannabis laboratory to report results of sample testing to the Office, as well as lists the information that shall be included on a certificate of analysis issued by a cannabis laboratory to a cannabis licensee and the Office, including, but not limited to: a title, the name of the cannabis laboratory, a contact person and contact information; permit identifier; description of the sample tested; and the methods used.

§ 130.24 Cannabis Shipping Manifest. Establishes the requirements under the Office for a laboratory sampling firm to ensure any collected and transported samples are accurately reflected on a shipping manifest and any discrepancies are acted on between sampling at the licensee and transport to the laboratory.

§ 130.25 Sample Chain of Custody. Establishes a process for a chain of custody procedure and lists the information that shall be included on chain of custody, including, but not limited to: the name of the cannabis laboratory, a contact person and contact information; permit identifier; description of the sample tested; sampling and transportation conditions; information about the licensee requesting the sampling; and change of custody information.

§ 130.26 Record Retention. Establishes the retention of certain records for a cannabis laboratory and a laboratory sampling firm to be a minimum of five (5) years, including but not limited to: sample information; procedures regarding personnel; quality manuals; internal audits; management review and purchasing records.

§ 130.27 Security, Safety and Storage of Cannabis. Provides the security, safety and storage requirements that shall be met by a cannabis laboratory.

§ 130.28 State Reference Lab. Establishes the use of a state reference laboratory to provide the Office with support for tasks such as compliance and enforcement related testing, as well as method development.

§ 130.29 Summary Suspension, Suspension, Cancellation and Revocation. Establishes the administrative actions that may be taken on a cannabis laboratory when it fails to meet the cannabis laboratory requirements specified in Part 130.

Text of proposed rule and any required statements and analyses may be obtained from: Diana Yang, Office of Cannabis Management, 1220 Washington Avenue, Albany, NY 12226, (888) 626-5151, email: regulations@ocm.ny.gov

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

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

Regulatory Impact Statement

Statutory Authority:

Section 13 of the Cannabis Law provides, in part, that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. These proposed rules and regulations shall include, but not be limited to, the sampling of cannabis by a third party, and the testing of sampled cannabis, including the permitting of laboratories authorized to test cannabis.

Sections 43, 89, 105 and 129 of the Cannabis Law provides that the Board shall promulgate regulations to implement laboratory testing under Article 3, 4, 5 and 6 of the Cannabis Law, including but not limited to, the permitting of laboratories, sampling and testing protocols, standards used by laboratories, ensuring the laboratory and its staff has the skills, resources and expertise needed to accurately and consistently perform all of the testing required as well as enforcement of these provisions.

Legislative Objectives:

To protect public health and safety through regulating and permitting laboratories, analyzing adult-use and medical cannabis to ensure accurate and reliable results are released by such laboratories and providing such results to the Office of Cannabis Management (Office) and licensees, and aiding in the determination that final cannabis products accurately reflect potency, and meet regulatory limits for contaminants.

Needs and Benefits:

The Cannabis Law transfers the legal responsibility of the oversight of laboratories testing medical cannabis from the Department of Health (DOH) to the Office, and, with the newly authorized adult-use of cannabis, enacts a comprehensive regulatory scheme for the sampling, transportation and testing of adult-use and medical cannabis products ensuring the final cannabis product results are valid and reliable and protecting the public against risks to its health and safety. The proposed regulations accomplish this objective by establishing sampling and testing standards for laboratory sampling firms and cannabis laboratories, respectively; ensuring qualified individuals are sampling and testing adult-use and medical cannabis; and implementing approved procedures for sampling and testing of adult-use and medical cannabis.

The proposed regulations will require that all sampling of cannabis be performed by an impartial third party. There is a need for this requirement

because without the impartiality, licensees may use their own in-house laboratories, which they may have for research and development or process control, to pre-select samples to be tested, which they know would pass. By requiring impartiality on the sampling process, the proposed regulations address this "cherry-picking" of samples by requiring a more randomized selection of the licensee's product.

Costs:

There will be costs associated with the proposed regulations. In order to apply for a permit, an applicant must submit a \$1,000 non-refundable application fee. In addition, there will be a cost to an applicant to participate in required proficiency tests offered by a proficiency test provider. For an applicant approved as a permitted cannabis laboratory, the laboratory will pay a permit fee based on its gross annual receipts (GAR). To renew annually, a cannabis laboratory must submit a non-refundable \$1,000 renewal application fee along with a refundable permit fee based on its gross annual receipts. A cannabis laboratory must also continue to participate in required proficiency tests on a semi-annual basis at its own cost.

There will be a cost associated with an application for approval of a laboratory sampling firm. An applicant must submit a \$500 non-refundable application fee. For an applicant approved as a laboratory sampling firm, the firm will pay an approval fee of \$1,000 for a period of two (2) years. To renew, the laboratory sampling firm must submit a non-refundable \$500 renewal application fee along with an additional \$1,000 refundable approval fee.

Additionally, there will be a cost to licensees and registered organizations for the use of a laboratory sampling firm.

Costs to State and Local Governments:

The proposed rule does not require the state or local government to perform any additional tasks and therefore the Office does not anticipate a cost associated to the cannabis laboratory permitting program. The oversight of permitting medical cannabis laboratories will transfer from the DOH to the Office.

Costs to the Office of Cannabis Management:

The Office anticipates an increase to administrative costs to manage applications and support the permitting of cannabis laboratories and approval of laboratory sampling firms as well as compliance associated with such permits and approvals. The administrative costs will be covered by application, permit and approval fees received from cannabis laboratory and laboratory sampling firms.

There will be costs for laboratory services provided by a reference laboratory for any testing required to investigate compliance matters or serious adverse events, or the testing of cannabinoid hemp, cannabis product, or medical cannabis, and any other intermediates or forms randomly pulled by the Office.

Local Government Mandates:

The proposed rule does not impose any new programs, services, duties or responsibilities on local government.

Paperwork:

The paperwork associated with cannabis laboratories who wish to become permitted in New York State include quality manuals, standard operating procedures, initial demonstration of capabilities, proficiency test results, technical staff resumes and transcripts, amongst other requirements.

The paperwork associated with performing a regulatory audit performed by the Office of a cannabis laboratory initially and every two (2) years thereafter include quality manuals, standard operating procedures, technical staff training records, chain of custodies, instrument and equipment logs, certificates of analysis, regulatory audit reports, and corrective action responses, amongst other requirements.

Additionally, cannabis laboratories seeking prior written approval for changes to ownership, location, major instrumentation, or technical directors will need to submit documents needed for the Office to review and consider the request for approval or denial. Lastly, cannabis laboratories seeking approval for a laboratory-developed method will need to submit documents needed for the Office to review and consider the request for approval or denial.

The paperwork associated with processing applications for laboratory sampling firms include standard operating procedures covering both sampling and transportation of cannabis, sampling staff resumes and transcripts, amongst other requirements. It is anticipated that processing applications will be ongoing as laboratory sampling firms apply and renew.

Finally, the proposed regulations create a record retention provision that requires cannabis laboratories and sampling firms to retain their records for five years with specific information to be accurately and reliably identified. Additional requirements for record retention relate to the transferring of records when a cannabis laboratory and sampling firm goes out of business and including employee training records and standard operating procedures related to sampling and transport.

Duplication:

This proposed rule does not duplicate any existing State or federal

requirements that are applicable to the testing of cannabinoid hemp, and adult-use and medical cannabis. The Department of Health will no longer certify laboratories testing medical cannabis pursuant to 10 NYCRR Sections 55-2.2(a)(4) and 55-2.15 when Part 130 is adopted.

Alternatives:

The Office considered the use of third-party certification of cannabis laboratories. The review process to approve third-party certifying cannabis laboratories would be onerous, increase costs to the cannabis laboratory, and limit the Office's ability to robustly regulate the cannabis laboratories. As a result, the Office considered this alternative insufficient in comparison to the proposed rules. Additionally, the Office considered whether to put the testing limits for required analytes in the proposed regulation. To remain flexible with new scientific literature and processes, the Office decided to leave the required analytes and respective limits out of the proposed regulation and leave the required analytes and respective limits to guidance.

Federal Standards:

Federal requirements do not include provisions for the permitting of laboratories to conduct cannabis testing, or for laboratory testing of medical and adult-use cannabis.

Compliance Schedule:

The proposed regulations will take effect upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

This proposed rule would regulate, control and permit, cannabis laboratories, as described in Article 3, 4, 5 and 6 of the Cannabis Law, and authorizes such cannabis laboratories to perform analytical testing of cannabis products while ensuring accurate and reliable results by such laboratories when providing such results to licensees. Additionally, the proposed rule would create the structure for regulatory limits for contaminants, ensuring that final cannabis products are quality tested prior to public consumption, therefore protecting public health and safety. Whether or not a laboratory which is operating in another industry chooses to include cannabis in their portfolio is at the discretion of the laboratory and is not mandated by the Office of Cannabis Management (the Office). Once the laboratory chooses to be a cannabis laboratory, then and only then does the Office's regulatory arm extend over them.

Laboratories currently testing medical cannabis products and currently certified under 10 NYCRR Part 1004 and Sections 55-2.2(a)(4) and 55-2.15 include small businesses, however, the Office does not anticipate any additional costs to existing small business establishments or government entities in New York State. In fact, due to their relative size and limited ability to test as much as a laboratory that is much bigger, the calculation for permitting fees, which are minimally \$1,000 will not be as much as a large laboratory. Small businesses will also need to pay for an ISO/IEC 17025 certification and if they choose to become a cannabis laboratory sampling firm, those small businesses will incur a non-refundable application fee of \$500 and a biennial approval fee of \$1,000, as well as proficiency testing and its associated costs as some small businesses may have chosen to perform proficiency tests, whereas now it is a requirement under these proposed regulations. There is no longer a need for cannabis laboratories to receive Class 8 Analytical License with the Department of Health and therefore no longer need to pay the fees associated with that license under the proposed regulations. Laboratories currently test medical cannabis products and the transition from the Department of Health to the Office as well as the additional testing on adult-use cannabis will not have an effect on local governments.

Compliance Requirements:

Laboratories currently testing medical cannabis products are certified under 10 NYCRR Part 1004 and Section 55-2.2(a)(4) and 55-2.15. With the adoption of the proposed rule and upon renewal of these laboratories, the laboratories will be required to receive and maintain ISO/IEC 17025 accreditation. In order to maintain a permit, the laboratory will need to employ qualified staff, submit to a laboratory regulatory audit every two years, obtain approval for laboratory-developed methods, obtain laboratory sampling firm approval for those laboratories that wish to conduct sampling of cannabis products, prepare certificates of analysis, and ensure shipping manifests for samples.

The proposed regulations provide an opportunity for laboratories to correct findings in a laboratory regulatory audit report to the Office within 90 days before the laboratory is unapproved for affected analytes or penalties in accordance with Cannabis Law.

Professional Services:

No new professional services will be required of existing small business entities or that would require additional local governments oversight.

Compliance Costs:

The proposed regulations impose compliance costs on entities who wish to be permitted as a cannabis laboratory or laboratory sampling firms. These entities will incur costs associated with the application, permit, and

approval fees, as well as building, equipment, and operation of facilities to test cannabis products. Additionally, proficiency testing and ISO/IEC 17025 accreditation and audits will be required for an entity to be a cannabis testing laboratory. The Office took steps to mitigate the compliance costs for laboratories considering the types of accreditation required and number of analytes to be tested.

In fact, due to their relative size and limited ability to test as much as a laboratory that is much bigger, the calculation for permitting fees, which are minimally \$1,000 will not be as much as a large laboratory. Small businesses will also need to pay for an ISO/IEC 17025 certification and if they choose to become a cannabis laboratory sampling firm, those small businesses will incur a non-refundable application fee of \$500 and a biennial approval fee of \$1,000, as well as proficiency testing and its associated costs as some small businesses may have chosen to perform proficiency tests, whereas now it is a requirement under these proposed regulations. There is no longer a need for cannabis laboratories to receive Class 8 Analytical License with the Department of Health and therefore no longer need to pay the fees associated with that license under the proposed regulations.

Economic and Technological Feasibility:

This proposal is economically and technologically feasible as the application fees, which constitutes the greatest amount of fees associated with permitting - are not excessive as to preclude the industry to grow and seek out more opportunity.

Minimizing Adverse Impact:

To minimize the potential health and safety risks associated with the use of cannabis, the regulations include requirements and standards for cannabis laboratories, located in New York State and permitted by the Office, to perform cannabis product analytical testing. These requirements do not create an adverse impact to small business and local governments.

Small Business and Local Government Participation:

The proposed rule was developed in response to feedback from multiple organizations, medical cannabis laboratories currently certified under 10 NYCRR sections 55-2.2(a)(4) and 55-2.15, state agencies including the Department of Health, and advocates who have provided feedback and suggestions for programmatic improvements to the analytical testing of cannabis since the implementation of the medical cannabis program. The Office has been meeting with the New York Cannabis Laboratory Association which includes a network of laboratories, some of which are small businesses and liaison with local governments to address any concerns since its inception. There will be a 60-day public comment period with the regulations that will allow for additional comments to be considered.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

Entities who wish to become a cannabis laboratory may have multiple testing locations or service centers. The use of laboratory sampling firms, which perform both sampling and transportation, was included in the regulations and increases accessibility for cannabis licensees in rural areas. Outside of major cities and metropolitan population centers, a majority of the counties in New York State contain rural areas.

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

There are no new reporting, recordkeeping or other compliance requirements imposed on public or private entities in rural areas as a result of the regulations. No new professional services will be required of these entities in rural areas. Compliance requirements will be limited to the entities who become cannabis laboratories, laboratory sampling firms, and to those registered organizations and licensees who are requesting analytical testing of cannabis products.

Costs:

While there are currently no cannabis laboratories in rural areas, the Office of Cannabis Management (the Office) acknowledges that currently, there is a permitting fee that will be calculated based on the volume of testing a laboratory can perform, which is minimally \$1,000. Cannabis laboratories everywhere will also need to pay for an ISO/IEC 17025 certification and if they choose to become a cannabis laboratory sampling firm, will incur a non-refundable application fee of \$500 and a biennial approval fee of \$1,000, as well as proficiency testing and its associated costs, which is now a requirement under these proposed regulations.

Minimizing Adverse Impact:

The Office has determined that there will not be any adverse impact on rural areas as a result of this proposed rule.

Rural Area Participation:

The proposed rule was developed in response to feedback from multiple organizations, medical cannabis testing laboratories established under 10 NYCRR Part 1004, state agencies including the Department of Health, and advocates who have provided feedback and suggestions for programmatic improvements to the analytical testing of cannabis since the implementation of the medical cannabis program. There will be a 60-day public comment period with the regulations that will allow for additional comments to be considered.

Job Impact Statement

The proposed rule will allow for the creation of new jobs to support the activities of cannabis laboratories and cannabis sampling firms. It is anticipated with approval of adult-use cannabis that the demand for cannabis laboratories and cannabis sampling firms will increase thereby increasing the number of jobs created for those additional permitted cannabis laboratories and cannabis sampling firms. The Office of Cannabis Management has determined that there will not be any adverse impact on jobs as a result of this proposed rule.

Department of Economic Development

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

New York City Musical and Theatrical Tax Credit Program**I.D. No.** EDV-24-22-00011-EP**Filing No.** 402**Filing Date:** 2022-05-31**Effective Date:** 2022-05-31

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

Proposed Action: Amendment of Part 270 of Title 5 NYCRR.

Statutory authority: L. 2022, ch. 59, part F

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

Specific reasons underlying the finding of necessity: The New York City Musical and Theatrical Production Tax Credit program was first enacted in 2021 in response to the devastating impact of the COVID-19 pandemic on the arts, entertainment, tourism, and recreation sectors in New York State generally, and on the New York City tourism and musical and theatrical industries in particular. The new program provided incentives to qualified New York City musical and theatrical production companies for productions that either paused productions in 2020 or delayed the production of planned new performances for 2021 and 2022.

The Program was launched in 2021 in time for the reopening of Broadway in September 2021 when new surges of coronavirus cases started in the late fall and winter of 2022. Based on the initial demand for the Program and due to further delays caused by the pandemic, statutory changes were made to extend the end of the credit period from March 31, 2023 to September 30, 2023, the application deadline December 31, 2022 to June 30, 2023 and to double the availability of credits from \$100 million to \$200 million. This regulation is necessary to implement these changes.

Arts, entertainment, and recreation has been one of the most impacted sectors in New York City and the sector where employment increases have been the slowest. According to recent statistics from the Department of Labor, employment in the “arts, entertainment and recreation” sector dropped by more than 66% from 87,000 in 2020 to about 34,100 in April 2021. A healthy, vibrant Broadway is essential to the recovery of New York’s tourism and hospitality industries. Prior to the pandemic, almost 250,000 people saw a Broadway show every week. Broadway supports nearly 97,000 local jobs and contributes over \$14 billion every year to the New York City economy. Broadway productions draw visitors to New York City from all around the country and the world, helping drive the regional tourism economy.

Due to the indoor venues of eligible shows and the close proximity of patrons, actors, and crew, the reopening of large indoor recurring productions must be slower and more carefully planned than reopening for many other segments of the industry. While Broadway was permitted to open in September 2021, the financing of such large in-person events remains extremely challenging. As news of the New York City Musical and Theatrical Production Tax Credit has spread, industry plans have rebounded. Since the initial passage of the credit program in 2021, additional shows were announced/planned for the fall 2021 and winter of 2022. However, with the rapid surge of new coronavirus cases due to the delta variant, productions have had to proceed with caution. During, the winter surge of COVID cases, 26 shows were forced to cancel over 208 days of performances through January. Additionally, one show canceled in March. In

April, three shows have been forced to cancel 30 days of performances. And, there is now the threat of another surge due to the omicron variant. The incentive this tax credit provides to Broadway is critical as the industry struggles to resume productions in a still highly uncertain economic environment and lingering public health threat.

These regulations must be promulgated immediately so that the Department of Economic Development can continue accepting applications as the industry struggles to restart productions that have been delayed or are in hiatus and to open new shows this year. Emergency adoption of this rule will enable the State to act to provide relief to New York City Musical and Theatrical Production Companies as they continue their recovery from the pandemic and rehire the thousands of New Yorkers who work directly in the industry and to help support the recovery of New York’s tourism and hospitality industries in the process. Pursuant to Chapter 59 of the Laws of 2022, the Commissioner of Economic Development is expressly authorized to promulgate regulations for this Program on an emergency basis.

Subject: New York City Musical and Theatrical Tax Credit program.

Purpose: To update the administrative process for the program and conform to statute.

Substance of emergency/proposed rule (Full text is posted at the following State website: esd.ny.gov): The regulation contained in 5 NYCRR Part 270, which governs the New York City Musical and Theatrical Production Tax Credit Program, is summarized as follows:

The regulation begins by extending the end of the credit period of a production from March 31, 2023 to September 30, 2023 per statute. It also extends the program application deadline from December 31, 2022 until June 30, 2023 per statute.

Next, the regulation clarifies the criteria for evaluation of a final application to make clear that an applicant must provide evidence that they have implemented the specific requirements they have attested to in their initial application, including the profit-sharing requirement under the program.

The regulation concludes by clarifying that the trigger date for economic evaluation of the credit cap is now on or after January 1, 2023 and that the overall cap on credits is now expanded to \$200 million (from the existing \$100 million).

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 August 28, 2022.

Text of rule and any required statements and analyses may be obtained from: Thomas P. Regan, Department of Economic Development, 625 Broadway, Albany, NY 12245, (518) 292-5120, email: thomas.regan@esd.ny.gov

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

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

Regulatory Impact Statement**STATUTORY AUTHORITY:**

Chapter 59 of the Laws of 2021 allow the Commissioner of the Department of Economic Development (the “Department”) to promulgate regulations establishing the application process for the New York City Musical and Theatrical Production Tax Credit Program (“the Program”). These regulations include provisions describing the application process, the due dates for such applications, the standards that will be used to evaluate the applications, the documentation that will be provided by applicants to substantiate to the department the amount of qualified production expenditures of such applicants, and such other provisions as deemed necessary and appropriate. In addition, Part F of Chapter 59 of the Laws of 2022 made certain changes to the Program which this regulation incorporates.

LEGISLATIVE OBJECTIVES:

The proposed/emergency rule gives effect to the intention of the legislature in adopting this new tax credit program which was to provide immediate financial incentives to qualified New York City musical and theatrical production companies for productions that produce either paused or new performances shows during the next two years.

NEEDS AND BENEFITS:

This proposed/emergency is necessary in order to update the administrative process for this tax credit program enacted in response to the devastating impact of the COVID-19 pandemic on the arts, entertainment, tourism, and recreation sectors in New York State generally, and on the New York City tourism and musical and theatrical industries in particular.

The New York City Musical and Theatrical Production Tax Credit program was first enacted in 2021 in response to the devastating impact of the COVID-19 pandemic on the arts, entertainment, tourism, and recreation sectors in New York State generally, and on the New York City tourism and musical and theatrical industries in particular. The new program

provided incentives to qualified New York City musical and theatrical production companies for productions that either paused productions in 2020 or delayed the production of planned new performances for 2021 and 2022.

The Program was launched in 2021 in time for the reopening of Broadway in September 2021 when new surges of coronavirus cases started in the late fall and winter of 2022. Based on the initial demand for the Program and due to further delays caused by the pandemic, statutory changes were made to extend the end of the credit period from March 31, 2023 to September 30, 2023, the application deadline from December 31, 2022 to June 30, 2023 and to double the availability of credits from \$100 million to \$200 million. This regulation is necessary to implement these changes.

COSTS:

I. Costs to private regulated parties (the business applicants): None. The proposed/emergency rule will not impose any additional costs to eligible business applicants.

II. Costs to the regulating agency for the implementation and continued administration of the rule: None.

III. Costs to the State government: None.

IV. Costs to local governments: None. The proposed/emergency rule will not impose any costs on local governments.

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with this program.

PAPERWORK:

The proposed/emergency rule requires an application process and necessarily entails certain paperwork burdens including materials to be submitted as part of applications for tax credits, additional documents the Department may request from applicants as part of its evaluation of applications, and certain records that must be maintained by program participants for auditing purposes.

DUPLICATION:

The proposed/emergency rule creates a new tax credit program and, accordingly, there is no risk of duplication in the adoption of the proposed/emergency rule.

ALTERNATIVES:

No alternatives were considered with regard to not creating a new rule in response to the statutory requirement. The rule is authorized by statute.

FEDERAL STANDARDS:

There are no federal standards applicable to this program; it is purely a state tax credit program. Therefore, the proposed rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The affected agency (Department of Economic Development) and any applicants to this program will be able to achieve compliance with the regulation as soon as it is implemented.

Regulatory Flexibility Analysis

Participation in the New York City Musical and Theatrical Production Tax Credit Program is entirely at the discretion of qualifying business entities. Neither statute nor the proposed/emergency rule impose any obligation on any local government or business entity to participate in the program. The proposed/emergency rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, it may have a positive economic impact on small businesses.

Because it is evident from the nature of the proposed/emergency rule that it will have either no impact or a positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

The New York City Musical and Theatrical Production Tax Credit Program does not impose any special reporting, record keeping or other compliance requirements on private entities in rural areas. Therefore, the proposed/emergency rule will not have a substantial adverse economic impact on rural areas nor on the reporting, record keeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

The proposed/emergency rule updates the administrative process for the New York City Musical and Theatrical Production Tax Credit Program. The program aims to assist small businesses negatively impacted by the COVID-19 pandemic and will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is intended to increase employment opportunities.

Because it is evident from the nature of the proposed/emergency

rulemaking that it will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Financial Services

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

Registration of Pharmacy Benefit Managers

I.D. No. DFS-24-22-00001-EP

Filing No. 391

Filing Date: 2022-05-25

Effective Date: 2022-05-25

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

Proposed Action: Addition of Part 451 (Regulation 221) to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302, 306; Insurance Law, sections 301, 316, 2902, 2903, 2904; Public Health Law, section 280-a; L. 2021, ch. 828, as amended by L. 2022, ch. 128

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

Specific reasons underlying the finding of necessity: The New York Legislature passed Chapter 828 of the Laws of 2021 on December 31, 2021, requiring the New York State Department of Financial Services (“Department”) to regulate pharmacy benefit managers (“PBMs”) operating in New York, including requiring PBMs to be registered with and report to the Department. The legislation was subsequently amended by Chapter 128 of the Laws of 2022, which went into effect on February 24, 2022.

Specifically, the legislation amended Insurance Law Sections 2902 and 2903 to require every PBM operating in New York to file an application for registration and to be registered with the Department on or before June 1, 2022. The Superintendent of Financial Services (“Superintendent”), in consultation with the Commissioner of Health, is authorized by Section 2903 to establish minimum registration standards required for PBMs. The legislation also amended Insurance Law Section 2904 to require PBMs operating in New York to submit annual reports to the Superintendent, with the first annual report due on or before July 1, 2022. Under that section, the Superintendent is authorized to promulgate regulations governing the form, contents, and manner of submission of those reports.

This emergency regulation implements the requirements established by Chapter 828 of the Laws of 2021, as amended by Chapter 128 of the Laws of 2022, by setting the minimum registration and reporting standards, including the form, contents, and manner of submission of the required registration and reporting materials. Given the time constraints that were caused by the passage of the Chapter Amendment in February of 2022 and the impending deadlines for the registration and submission of the annual report required under the statutes, this emergency regulation is necessary so that PBMs subject to the statutory registration and reporting requirements have clear guidance on what to submit and how to comply with those requirements prior to the statutory deadlines.

Additionally, given the short time frame between the passage of the legislation in February 2022 and the registration/reporting deadlines, and the need for additional guidance and regulations with respect to PBM reporting provisions set forth in Public Health Law Section 280-a(2), this emergency regulation is necessary to limit the duties, obligations, requirements and other provisions relating to PBMs under Section 280-a(2) for a short period to allow DFS to issue detailed instructions on the application of, and how to comply with, those requirements.

Without this regulation it would not be possible for PBMs to operate in this State after June 1, 2022, while remaining in compliance with the law. This regulation is necessary to ensure that there is no disruption in the management or administration of prescription drug benefits by PBMs for New York health plans, which management or administration is integral to the public health, safety and general welfare of the New York health plan beneficiaries. In the absence of this regulation New York health plan bene-

ficiaries could be prevented from accessing necessary prescription drugs, which could result in serious health and safety consequences for such beneficiaries. Accordingly, in order to implement the PBM registration and reporting requirements established by Chapter 828 of the Laws of 2021, as amended by Chapter 128 of the Laws of 2022, it is crucial that the Superintendent promulgate this emergency regulation.

Subject: Registration of Pharmacy Benefit Managers.

Purpose: Establishment of the registration and first annual reporting requirements for pharmacy benefit managers.

Text of emergency/proposed rule: Part 451: Registration of Pharmacy Benefit Managers

Section 451.1 Registration of pharmacy benefit managers

(a) Definitions.

(1) As used in this section, the terms “controlling person”, “health plan”, “pharmacy benefit manager”, “pharmacy benefit management services” and “superintendent” have the same meanings as defined by Public Health Law section 280-a.

(2) As used in this section, the term “a substantial number of beneficiaries who work or reside in this state” means where 50 percent or more of the beneficiaries of the health plan work or reside in New York.

(b) A pharmacy benefit manager applying for a registration prior to January 1, 2023 shall pay to the superintendent a non-refundable registration application fee of \$8,000. A pharmacy benefit manager applying for a registration on or after January 1, 2023 shall pay to the superintendent a non-refundable registration application fee of \$4,000. Payment of the fee shall be made electronically in a manner provided by the superintendent.

(c) Each entity seeking to register as a pharmacy benefit manager shall electronically file with the department an application on an electronic form and in a manner prescribed by the superintendent to be published and made available on the department’s publicly accessible Internet website on or before June 1, 2022. Each pharmacy benefit manager that submits an application on or before June 1, 2022, including payment of the non-refundable registration application fee, shall be deemed to hold a temporary registration valid until the department makes a determination on the registration application.

(d) The application form for a pharmacy benefit manager registration shall require the pharmacy benefit manager to submit information to the department including:

(1) the name of the pharmacy benefit manager;

(2) the address, contact telephone number, and website for the pharmacy benefit manager;

(3) the federal employer identification number for the pharmacy benefit manager;

(4) the name, address, email address and telephone number of the primary contact person authorized to act on behalf of the pharmacy benefit manager;

(5) the name, address, email address and telephone number of the pharmacy benefit manager’s agent for service of process in this State;

(6) the name, position and email address of each individual who is a controlling person of the pharmacy benefit manager, including all members of the board of directors, board of trustees, executive committee, or other governing board or committee; and (i) if the pharmacy benefit manager is a partnership or other unincorporated association, each partner or member; (ii) if the pharmacy benefit manager is a corporation, each of its officers, , and stockholders; (iii) if the pharmacy benefit manager is a limited liability company, each officer, manager, or member;

(7) all basic organizational documents of the pharmacy benefit manager, including any operating agreements, articles of incorporation, articles of association, charter, partnership agreement, trade name certificate, trust agreement, shareholder agreement, certificate of existence from the New York Secretary of State and other applicable documents and all amendments to such documents;

(8) the bylaws, rules, regulations or other primary document regulating the internal affairs of the pharmacy benefit manager;

(9) a copy of the pharmacy benefit manager’s standard, generic contract template, including provider manual or other appropriate items incorporated by reference that the pharmacy benefit manager uses for contracts entered into by the pharmacy benefit manager with pharmacists, pharmacies or pharmacy service administration organizations in New York in administration of pharmacy benefits for insurers; and

(10) such other information the superintendent deems necessary.

(e) A pharmacy benefit manager shall notify the department within 30 days of a change in any of the information disclosed to the department on a registration application.

(f) The exemption provided for in 11 NYCRR 6.3 shall apply to filing under this section as if those filings were listed in 11 NYCRR 6.2(a).

Section 451.2 First annual report of pharmacy benefit managers

Each pharmacy benefit manager shall electronically file a first annual report with the department pursuant to Insurance Law section 2904 no

later than July 1, 2022 on a form and in a manner prescribed by the superintendent. The exemption provided for in 11 NYCRR 6.3 shall apply to this annual report as if this filing were listed in 11 NYCRR 6.2(a).

Section 451.3 Duty, accountability and transparency

Pursuant to the authority granted to the superintendent by Public Health Law section 280-a(2)(g) to limit the duties, obligations, requirements and other provisions relating to pharmacy benefit managers under Public Health Law section 280-a(2), the duties, obligations and requirements contained in Public Health Law section 280-a(2)(b), (c), (d), (e), and (f) shall not apply to pharmacy benefit managers until January 1, 2023.

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 August 22, 2022.

Text of rule and any required statements and analyses may be obtained from: Eamon Rock, Department of Financial Services, One Commerce Plaza, Albany NY 12203, (518) 474-4567, email: Eamon.Rock@dfs.ny.gov

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

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

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

Summary of Regulatory Impact Statement (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/emergency_insurance):

1. Statutory authority: The authority of the Superintendent of Financial Services (“Superintendent”) to promulgate this new Insurance Regulation 221 (11 NYCRR 451) derives from Financial Services Law Sections 102, 201, 202, 301, 302, and 306; Insurance Law Sections 301, 316, 2902, 2903, and 2904; Public Health Law Section 280-a; and Chapter 828 of the Laws of 2021, as amended by Chapter 128 of the Laws of 2022.

Descriptions of the statutes providing authority for the new regulation are included in the full Regulatory Impact Statement posted on the website of the Department of Financial Services (“Department”) at <https://www.dfs.ny.gov>

2. Legislative objectives: In accordance with Chapter 828 of the Laws of 2021, as amended by Chapter 128 of the Laws of 2022, the legislative objectives are to empower the Superintendent to establish, by regulation, registration standards required for a pharmacy benefit manager (“PBM”), including the methods and procedures for facilitating and verifying compliance with those requirements, and to establish licensing standards for PBMs, including the broad regulatory authority to implement minimum standards for the issuance of licenses to PBMs.

3. Needs and benefits: This regulation, being promulgated as an emergency measure, will establish the registration and first annual reporting standards required for a pharmacy benefit manager to perform pharmacy benefit management services in New York.

A bill was advanced and passed, taking into account that PBMs previously have been largely unregulated in this State and such regulation is a priority of the Legislature and the Executive branch. The legislation recognizes that the State has an interest in the prudent regulation of the industry, which impacts health insurance premium costs, patient access to drugs, the pharmacy industry in the State, and more.

Specifically, pursuant to Insurance Law Sections 2902 and 2903, every PBM operating in New York is required to file an application for registration with the Department on or before June 1, 2022. Under those sections the Superintendent is authorized to establish minimum registration standards required for PBMs. This regulation, therefore, is needed to establish those minimum registration standards, including the form, contents, and manner of submission of the required registration materials.

Additionally, Insurance Law § 2904 requires PBMs operating in New York to submit annual reports to the Superintendent, with the first annual report due on or before July 1, 2022. Under that section, the Superintendent is expressly authorized to promulgate regulations governing the form, contents, and manner of submission of those reports. This regulation, therefore, is needed to set the contents, manner, and form for submission of those first annual reports to the Department. It should be noted that the Department has consulted with over a dozen other states to align this first set of reporting requirements, including the form and content thereof, to the extent possible with the existing requirements in other states.

Public Health Law Section 280-a requires PBMs to disclose and report certain information to health plans, and to hold certain funds in trust for the health plans. The Superintendent has been granted express authority to promulgate regulations defining, limiting, and relating to the duties, obligations, requirements, and other provisions regarding PBMs reporting to the health plans under Public Health Law Section 280-a(2)(g). Given the short time frame between the passage of the legislation in February 2022 and the registration deadline, and the need for additional guidance

and regulations with respect to the Public Health Law's reporting provisions, this regulation is necessary to limit the duties, obligations, requirements and other provisions relating to pharmacy benefit managers under Public Health Law Section 280-a(2) for a short period to allow the Department to issue detailed instructions on the application of, and how to comply with, the requirements.

This regulation establishes the registration and first annual reporting requirements for PBMs. The regulation was contemplated by the Legislature as indicated in Chapter 828 of the Laws of 2021, as amended by Chapter 128 of the Laws of 2022. Furthermore, the Department sought input from interested parties in drafting this regulation, including representatives of the pharmacy benefit managers, independent pharmacies, chain pharmacies, health plans, and consumer representatives, among others. The Department also consulted with, and sought input from, the New York State Department of Health and the Office of General Counsel of the Workers' Compensation Board in drafting this regulation.

4. Costs: Insurance Law Section 2903(a) requires a non-refundable registration application fee of \$8,000 for applications submitted prior to January 1, 2023, and \$4,000 for applications submitted on or after January 1, 2023, which fees are imposed by statute and not this regulation.

Additionally, Insurance Law Sections 2902, 2903 and 2904, and Public Health Law Section 280-a give rise to other costs for PBMs to comply with their registration and reporting requirements (e.g., costs to complete and file a registration application and to compose and file annual reports). The Department sought to minimize those other costs by aligning, to the extent possible, the reporting requirements, including the form and content thereof, with the existing requirements of other states. Also, the regulation requires the registration and first annual report filings to be made electronically to alleviate some of those other statutory-driven costs by eliminating the need for PBMs to use paper, ink, envelopes and postage fees, to result in cost savings.

The Department anticipates absorbing any costs associated with this regulation, such as staff time needed to carry out the powers accorded to the Superintendent under the Insurance Law amendments, in its ordinary budget.

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

6. Paperwork: Insurance Law Sections 2902, 2903 and 2904 and Public Health Law Section 280-a impose reporting, recordkeeping and other compliance requirements on PBMs operating in New York.

Insurance Law Sections 2902 and 2903 impose reporting and compliance requirements on PBMs. Pursuant to Insurance Law Sections 2902 and 2903, every PBM operating in New York is required to file an application for registration with the Department on or before June 1, 2022. Under those sections the Superintendent is authorized to establish, by regulation, minimum registration standards required for a PBM. This regulation establishes those minimum registration standards, including the form, manner, and content of the registration, so that PBMs can adequately comply with the registration requirement set by the statute.

Insurance Law Section 2904 requires PBMs operating in New York to submit annual reports to the Superintendent and include certain information in those reports. The section authorizes the Superintendent to promulgate regulations governing the form, manner and contents of the first annual reports. This regulation establishes the form and contents of the first annual report as required by the statute. Insurance Law § 2904(a)(3) authorizes the Superintendent to address to any PBM any inquiry in relation to its provision of pharmacy benefit management services or any matter connected therewith. The Department has consulted with over a dozen other states to align the additional reporting requirements, including the form and content thereof, to the extent possible with the existing requirements of other states.

Public Health Law Section 280-a establishes reporting, recordkeeping and other compliance requirements as they relate to PBMs reporting to health plans. The Superintendent is further authorized to promulgate regulations defining, limiting, and relating to the duties, obligations, requirements, and other provisions relating to PBMs reporting to health plans under Public Health Law Section 280-a(2)(g). This regulation limits those reporting duties, obligations, and requirements relating to pharmacy benefit managers under Public Health Law Section 280-a(2).

7. Duplication: The regulation does not duplicate or conflict with any existing state or federal regulations or other legal requirements.

8. Alternatives: Promulgation of the regulation is required under Chapter 828 of the Laws of New York 2021, as amended by Chapter 128 of the Laws of New York 2022. Without the regulation, the Department would not be able to effectuate its new statutory powers and responsibilities; therefore, the alternative of not promulgating a regulation was rejected. Additionally, the Department considered various alternatives to each section of the regulation. In general, the Department sought input from interested parties in drafting this regulation, including representa-

tives of pharmacy benefit managers, independent pharmacies, chain pharmacies, health plans, and consumer representatives, among others. The Department also consulted with, and sought input from, the New York State Department of Health and the Office of General Counsel of the Workers' Compensation Board in drafting this regulation. On many of the technical aspects of the regulation the Department considered suggestions from various interested parties and made changes to the proposed standards, where appropriate.

Specifically, after careful consideration the Department decided to define the term "substantial number of beneficiaries who work or reside in this state" to mean where fifty percent or more of the beneficiaries of the plan work or reside in New York. The decision was made after carefully weighing the legislative intent of having a broad enough definition to encompass as many New York health plans as possible, with the receipt of a wide variety of suggestions on limiting/expanding this definition from interested parties and ensuring an appropriate nexus to the State. The Department weighed those interests and decided that this definition adequately encompasses those health plans that primarily serve New York State residents and employees.

For the content, form, and manner in which PBMs would submit the registration application and first annual report, the Department consulted with various other states regarding the alternatives they considered in drafting their registration and reporting regulations and the issues that they encountered when enacting their registration and reporting requirements. The Department also reviewed various other states' registrations and reporting regulations. After careful consideration, the Department decided to align the first annual report and registration requirements to be consistent with requirements set by a majority of other states. An alternative to this regulation would be to require PBMs to submit documents in a manner that is inconsistent with what they already are required to do in other states, which the Department rejected as unnecessarily burdensome.

Additionally, the Department considered having PBMs submit paper applications and paper copies of requested documents. However, the Department decided that this would not be the best option because it would require PBMs to prepare additional paperwork, use paper needlessly and pay for postage, which ultimately would be more costly and burdensome. Thus, the Department decided against this option because requiring all applications, forms and submissions to be electronic would be the most cost effective and least burdensome option for PBMs, while also being more environmentally friendly.

Finally, the Department considered requiring PBMs to submit a more robust version of the materials requested for the first annual report. However, after receiving input from stakeholders, and considering time constraints that were caused by the impending deadlines for submission of the annual report under the statute and the late passage of the Chapter Amendment in February of 2022, the Department determined that this alternative was not practical. Accordingly, the Department decided that the best course would be to limit the contents of the first annual report. The Department was cognizant of the short time-frame and the ability to set updated standards for future reporting obligations in rejecting those options and may set additional requirements for future annual reports.

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

10. Compliance schedule: The regulation will take effect immediately upon the filing of the Notice of Emergency Adoption with the Secretary of State. The regulation sets forth the various dates by which PBMs subject to it must take action.

Regulatory Flexibility Analysis

Small businesses: This new regulation, being promulgated as an emergency measure, should not have any adverse impact on small businesses. This regulation establishes the registration and first annual reporting standards required for a pharmacy benefit manager to perform pharmacy benefit management services in New York. The regulation does not impose any new reporting, recordkeeping, or other compliance requirements beyond what is already required by Insurance Law Sections 2902, 2903 and 2904 and Public Health Law Section 280-a: it is the statutes and not the regulation that creates those obligations. Furthermore, the Department is not aware of any pharmacy benefit manager that is a small business; however, to the extent any pharmacy benefit manager is a small business, it is operating in a highly regulated environment and should be adequately prepared to comply with the new regulation. Thus, no pharmacy benefit manager, even if a small business, will experience any adverse impact under this regulation.

Local governments: This regulation does not apply to local governments. No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this regulation. Therefore, the regulation will not have any impact, including any adverse impact, on any local government.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Pharmacy benefit managers affected by this emergency measure operate in every county in

this State, including rural areas as defined by State Administrative Procedure Act Section 102(10). The Department of Financial Services (“Department”) estimates that there are currently between 50 – 100 pharmacy benefit managers in this State.

2. Reporting, recordkeeping, and other compliance requirements; and professional services: This regulation imposes no new reporting, recordkeeping, or other compliance requirements. Any additional compliance requirements are a result of Insurance Law Sections 2902, 2903 and 2904 and Public Health Law Section 280-a, and not the regulation because the regulation merely implements those statutes.

Pharmacy benefit managers, including those in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this regulation.

3. Costs: The regulation will not impose any additional costs on any person or entity outside the Department. To the extent that Insurance Law Sections 2902, 2903 and 2904 and Public Health Law Section 280-a impose any costs on any person or entity outside of the Department, it is the statutes and not the regulation that creates those costs. Additionally, the regulation will require electronic filings of the registration and first annual report materials, which will result in cost savings to the persons or entities that are required by the statutes to file the registration application and submit the first annual report.

4. Minimizing adverse impact: This regulation uniformly affects pharmacy benefit managers that are in both rural and non-rural areas of New York State. The regulation should not have any adverse impact on rural areas.

5. Rural area participation: Pharmacy benefit managers in rural areas will also have an opportunity to participate in the rulemaking process when the regulation is published in the State Register and posted on the Department’s website. Furthermore, the Department sought input from interested parties in drafting this regulation, including representatives of pharmacy benefit managers, independent pharmacies, chain pharmacies, health plans, and consumer representatives, among others.

Job Impact Statement

The Department of Financial Services (“Department”) has determined that the emergency measure should not adversely impact jobs or employment opportunities in New York State. The regulation establishes the registration and first annual reporting standards required for a pharmacy benefit managers to perform pharmacy benefit management services in New York. Pharmacy benefit managers are already required to register with the Department and submit a first annual report to the Department pursuant to Insurance Law Sections 2902, 2903 and 2904 and Public Health Law Section 280-a. The regulation is needed to implement those statutory requirements.

NOTICE OF ADOPTION

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

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

Filing No. 404

Filing Date: 2022-05-31

Effective Date: 2022-07-15

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

Action taken: Amendment of Part 52 of Title 11 NYCRR.

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

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

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

Text or summary was published in the March 2, 2022 issue of the Register, I.D. No. DFS-09-22-00018-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Licensed Cashers of Checks; Fees

I.D. No. DFS-24-22-00010-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 400.11 of Title 3 NYCRR.

Statutory authority: Banking Law, sections 10, 14, 371, 372; Financial Services Law, sections 102, 201, 202, 301 and 302

Subject: Licensed Cashers of Checks; Fees.

Purpose: To change the maximum fee that may be charged by licensed check cashers and remove an automatic inflation adjustment.

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

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

(1) [2.27] 1.5 per centum of the amount of the check[, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section] issued by a federal or State government agency for the payment to the bearer of federal or State monetary assistance, Social Security, unemployment compensation, retirement, veteran’s benefits, emergency relief or housing assistance, or a tax refund; or

(2) \$1 or 2.2 per centum of the amount of all other checks, drafts or money orders, whichever is greater.

(b) Effective January 31, [2023] 2027, and [annually] every five years thereafter, licensees may request an increase in the maximum fees established by this section. Any such request must be supported in writing by annual information, for each of the preceding five years, showing each licensee’s costs and expenditures (including rent, wages, information technology and compliance costs), profitability (including all sources of revenue, such as those from other lines of business, as well as other conditions impacting each licensee’s financial condition, such as capital needs, cost of capital and payments to owners or senior managers) and any other information the Department may request. The Superintendent may review any fee request submitted by licensees and, in his or her discretion, approve, modify or deny a request for an adjustment to the maximum fee stated in Section 400.11(a). [the maximum per centum fee specified in subdivision (a) of this section, shall be increased by a per centum amount, based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers (annual CPI-U), as reported by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year preceding the year in which such increase is made compared to such annual CPI-U for the year prior to such preceding year. The maximum per centum fee that may be charged or collected for cashing a check, draft or money order pursuant to this section in effect at such time shall be multiplied by such computed per centum amount and the result added to such maximum per centum fee. The resulting sum shall be the revised maximum per centum fee, which shall be posted upon the internet site of the Department of Financial Services (www.dfs.ny.gov) by the superintendent not later than 45 days following the public release of such annual index by the U.S. Department of Labor. Such revised maximum per centum fee shall be calculated and posted to the nearest one-hundredth of a per centum. Such revised maximum per centum fee shall be effective not later than 45 days after the superintendent shall have notified the Majority Leader of the Senate, the Speaker of the Assembly, and the chairperson of the Senate and Assembly Committees on Banks of his/her intention to change the maximum per centum fee pursuant to the provisions of section 372.3 of the Banking Law and shall continue in effect until revised and increased in the next succeeding year based upon an increase in such annual index. If such CPI-U does not increase in any one year, the maximum per centum fee in effect during the year in which the index does not increase shall remain unchanged in the next succeeding year. Nothing herein shall be deemed to prohibit the superintendent from setting, by regulation, a different maximum per centum fee at any time where the superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers.]

(c) No maximum fee shall apply to the charging of fees by licensees for the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons.

(d) The new maximum fees stated in subsection 400.11(a) above shall go into effect on January 1, 2023.

Text of proposed rule and any required statements and analyses may be obtained from: George Bogdan, Department of Financial Services, One State Street, 20th Floor, New York, New York 10004, (212) 480-4758, email: George.Bogdan@dfs.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory Authority: Financial Services Law Sections 202 and 302 and Banking Law Sections 10, 14, 371 and 372.

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

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

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

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

3. Needs and Benefits: Pursuant to Section 372 of the Banking Law, the Superintendent of Financial Services is required, by regulation, to "establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order." The maximum check cashing fee is established by Section 400.11. As of 2005, that section was amended to include a mechanism by which the maximum check cashing fee increased every year "based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers" ("CPI").

In light of the prolonged adverse economic impact on New York consumers, particularly on those that utilize the services of the check cashing industry, the Department became concerned about the adequacy of the automatic fee increase process established by Section 400.11. In particular, the Department was concerned that CPI is not an appropriate basis upon which to calculate an increase to the maximum check cashing fee. CPI is a broad regional measure of the cost of living for a variety of consumers, based on changes in prices of a host of consumer goods and services, such as food, energy, transportation, and medical care. It is a measure of the prices that consumers pay to buy goods and services for their day-to-day living; it is not intended to reflect the costs of operating a business generally, or a check cashing business, specifically.

To the extent that wages and other payments rise with inflation, the dollar value of checks also increases. As a result, using CPI as the basis to increase the maximum check cashing fee results in double increase for check cashers—with check cashers able to charge a higher fee against higher value checks.

Accordingly, in February of this year, the Department issued an emergency regulation halting the automatic fee increase and maintaining the current maximum fee of 2.27%. At the time, the Department announced that it would reassess the methodology it uses to determine the maximum fee. Since then, the Department has reexamined the methodology set out in Section 400.11 and developed a new approach that the Department believes more adequately balances the need of New Yorkers to have ready access to affordable check cashing services and the ability of licensed check cashers to remain competitive in a changing landscape.

Before deciding on the methodology being proposed, the Department undertook a comprehensive review of the industry and the competitive landscape, and it sought input from various stakeholders. Among other things, the Department reviewed the approach that other states that regulate check cashing fees take to setting a maximum rate; hosted a series of stakeholder roundtables and meetings with the check cashing industry stakeholders, consumer advocates, and academic experts; examined available check cashing alternatives available in New York; and reviewed data from check cashing licensees from 2014 to 2021, looking at trends in volume of checks cashed, check amounts, check casher expenses, typical fees charged, expenses, and business models.

Based on this review, the Department found that:

(1) CPI is an imprecise proxy for measuring the changing costs of operating a check cashing business;

(2) CPI is an imprecise measure of inflation over time;

(3) Average check sizes have grown over the years, increasing the per-check revenue earned by check cashers, so that using CPI as a metric to

increase check cashing fees every year has effectively increased revenue for check cashers twice under the automatic fee increase;

(4) A number of states set a lower rate for governmental benefit checks or tax refund checks, in light of the lower risk those checks pose and the need of consumers to have ready access to such funds;

(5) New Jersey appears to be the only other state whose regulator is authorized to increase the maximum fee that may be charged to cash a check, and New Jersey has not raised its maximum fee rate since 2010, leaving New York's annual automatic fee increase an outlier; and

(6) The data indicates that New York State check cashers do not, on average, charge the maximum check cashing fee allowed by law, with the average rate being around 2.19%.

Based on its review and findings, the Department is proposing revisions to Section 400.11 that will propose a maximum fee of 1.5% of the check amount for cashing a check issued by a federal or State government agency for the payment of federal or State monetary assistance, Social Security, unemployment compensation, retirement, veteran's benefits, emergency relief or housing assistance, or a tax refund. The Department is proposing a maximum fee of 2.2% of the check amount for all other checks. Instead of the automatic annual increases, the proposed revision to Section 400.11 provides that check cashing licensees may request an increase in the maximum fee that may be charged for cashing a check only once every five years. Any such request must be supported by information detailing the financial condition of check cashing licensees, including their costs, expenses and revenues.

In settling on the proposed revisions to Section 400.11, the Department believes that a maximum fee of 1.5% on governmental benefit checks is reasonable and appropriate, given the reduced risk that these checks present and the particular importance of making these funds available to consumers. Further, the Department believes that setting the maximum fee at 2.2% for all other checks suitably balances the interests of consumers in paying a reasonable fee to cash their checks and the needs of licensees to conduct their business. This is particularly the case as 2.2% is above the average rate that licensees currently charges.

The ability to request an increase to the maximum fee every five years maintains the potential for subsequent increases in the maximum fees allowed, in line with the current version of Section 400.11. The proposed revisions would permit an increase less frequently than under the current regime, however, and only upon evidence from licensees that an increase is warranted, rather than on an automatic basis. By extending the frequency of the potential increase from one to five years, the proposed amendment allows the Department to receive more information, consider trends, measure the impact of inflation over time rather than narrowly looking at its impact at a particular point in time, and make a more informed determination on whether to increase the maximum check cashing fee consistent with the public interest.

The proposal also abandons the use of CPI as basis for increasing the maximum check cashing fee. Instead of relying on a broad measure of consumer costs, the proposed methodology focuses on factors that specifically inform the financial condition of licensed check cashers, including revenues, costs, various practices of licensees and external factors. With the benefit of that information, the Department can consider the actual condition of licensed check cashers and—potentially with input from other stakeholders—balance the needs of licensees against those of consumers who use the services of check cashers.

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

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

6. Paperwork: Check cashers will only need to provide additional paperwork if they choose to submit requests for fee increases in the future. Otherwise, there are no new record keeping or filing requirements.

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

8. Alternatives: The Department weighed a number of alternative structures and methodologies. Among other things, the Department considered (i) allowing the existing fee increase mechanism provided by Section 400.11 to continue in effect, (ii) using alternative inflation metrics, including the Personal Consumption Expenditures price index, and (iii) implementing a flat-dollar fee. The Department concluded that the existing methodology, for the reasons stated above, was insufficient. While the Department considered a flat-dollar fee as an option, the Department ultimately concluded that a maximum fee percentage is better, because it is consistent with the existing mechanism and will result in an automatic fee adjustment over time, as check casher income will rise naturally as government benefits and paychecks increase with inflation. Moreover, a flat-dollar amount would be regressive on smaller checks, causing consumers with smaller-value checks to lose a greater percentage of their income to fees.

The Department posted a draft text of this regulation on its website for 10 days to solicit comment from small businesses that might be affected. Seventy-one of 75 regulated check cashers qualify as small businesses. The Department received four comments from check cashers and their industry representatives.

The comments generally predicted that the proposed regulation would lead to financial distress and store closures in the industry, resulting in projected potential job losses. Three comments predicted that banks and credit unions would not fill the gaps caused by these potential closures.

The commenters questioned the analysis done by the Department, asserting that analysis provided by the industry in 2017 and accepted in part by the Department in 2019 is still valid today. With respect to industry costs, some commenters assert that industry costs for rent and labor are increasing at a rate that exceeds the CPI. They also contend that the maximum rate must be adjusted more frequently than every five years.

The Department stands by its proposal. Based on the data received from the industry, the Department does not believe the new maximum check cashing fee will cause store closures, reduction of services or job losses in the industry. The Department will monitor the industry and services closely after it adopts an amended regulation. In this regard, even though the proposed regulation limits the industry to asking for an increase to the maximum check cashing fee once every five years, the Superintendent retains the discretion to increase the maximum fee if the financial condition of check cashers deteriorate.

One commenter asserts that the rule making process underlying the proposed regulation was deficient and flawed, claiming the industry was not consulted sufficiently. However, the Department consulted with the industry before proposing the amendment to Section 400.11 and solicited, received and analyzed data from the industry as part of the process of developing the proposal.

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

10. Compliance Schedule: The proposed amendment will take effect after the adopted rule is published in the State Register; however, the new subdivision 400.11(d) specifies that the new maximum fees stated in subdivision 400.11(a) only go into effect on January 1, 2023.

Regulatory Flexibility Analysis

1. Effect of Rule: The amendment does not have any impact on local governments. Seventy-one of 75 of the Department of Financial Services's licensed check cashers qualify as small businesses that employ less than 100 employees. The amendment reduces the maximum fees that may be charged by licensees to a retail consumer for cashing a check, draft or money order.

2. Compliance Requirements: The regulation does not change existing compliance requirements. Pursuant to Banking Law Section 372 and Part 400.11, the maximum fee that may be charged for cashing a check is already regulated by the Department. Following a review of the financial condition of the industry and various alternative maximum fee structures, the amendments set lower maximum fees than are currently allowed. Those lower maximum fees go into effect on January 1, 2023.

3. Professional Services: Regulated entities will not be required to use or employ any additional professional services as a result of this rule.

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

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

6. Minimizing Adverse Impacts: No adverse impacts are expected. The Department intends to continue to monitor the industry to assess the impact of the new maximum fees.

7. Small Business and Local Government Participation: This regulation does not impact local governments.

Before deciding on the new methodology being proposed, the Department undertook a comprehensive review of the industry and the competitive landscape, and it sought input from various stakeholders. Among other things, the Department hosted a series of stakeholder roundtables and meetings with the check cashing industry stakeholders, consumer advocates, and academic experts; examined available check cashing alternatives available in New York; and reviewed data from check cashing licensees from 2014 to 2021, looking at trends in volume of checks cashed, check amounts, check casher expenses, typical fees charged, expenses, and business models.

The Department complied with SAPA Section 202-b(6) by posting the proposed rule on its website for informal outreach and notifying trade organizations that represent the interests of small businesses that the proposed rule had been posted. The Department also will comply with SAPA section 202-b(6) by publishing the proposed amendment in the State Register and posting the proposed amendment on its website again.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas: There are entities regulated by the New York State Department of Financial Services

(“Department”) located in all areas of the State, including rural areas. Six of the 75 check cashers licensed by the Department do business in rural areas of the State. The proposed amendment is not expected to impose any additional costs on these regulated entities. Rather, the amendment changes the maximum fees that may be charged for cashing government checks and retail consumer checks. The amendment eliminates automatic annual increases in the maximum permissible fee based upon inflation.

2. Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services: The amendment does not create any new reporting or recordkeeping requirements. Check cashers will need to conform to the new maximum fees set forth in the amendment once it is effective. No entity subject to the regulation should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

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

4. Minimizing Adverse Impact: The regulation establishes new maximum fees that the Department believes suitably balances the interests of consumers in paying a reasonable fee to cash their checks and the needs of licensees to conduct their business. The Department believes this can only be accomplished by removing the existing inflation adjustment provision in the regulation.

5. Rural Area Participation: On May 6, 2022, the Department posted the amendment on its website for informal outreach and comments, in compliance with State Administrative Procedures Act Section 202-b(6). Regulated entities in rural areas also will have another opportunity to participate in the rulemaking process when the amendment is published in the State Register and again posted on the Department's website.

Job Impact Statement

This amendment eliminates automatic increases in the maximum allowable check cashing fee based on Consumer Price Index. It sets fixed amounts by regulation for government benefits checks and all other checks. These new maximum fees are lower than the current maximum in effect.

This amendment should not adversely impact jobs or employment opportunities in New York State. In reaching this conclusion, the Department of Financial Services conducted a review of rates currently charged by check cashers and found that 2.2% is above the average rate that licensees currently charge.

For these reasons, the proposed new maximum fee limits should not unduly affect the businesses of check cashers.

Department of Health

EMERGENCY RULE MAKING

COVID-19 Reporting and Testing

I.D. No. HLT-24-22-00003-E

Filing No. 392

Filing Date: 2022-05-27

Effective Date: 2022-05-27

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

Action taken: Addition of sections 2.9 and 2.62 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 201, 206 and 225

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

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

In response to this significant public health threat, the Department of Health seeks to empower the Commissioner through this emergency regulation to issue determinations requiring the immediate implementation of heightened COVID-19 testing protocols for population segments that may be at increased risk of transmission due, in part, to their employment or residential circumstances. Regular COVID-19 testing enables the immediate identification of COVID-19-positive individuals, even if they are not symptomatic, so that they can isolate and prevent further

transmission. Additionally, the reporting of positive COVID-19 test results to public health authorities facilitates the rapid initiation of contact tracing to ensure close contacts are quarantined, tested, and isolated as needed.

These regulations also permit the Department to require reporting of testing and diagnoses among school students, teaching staff, and any other employees or volunteers. It is important for the Department to monitor COVID-19 testing and diagnoses in schools, given the number of students that are currently unvaccinated. Only 40.5% of children ages 5 through 11 years old have received at least one COVID-19 vaccination, with 34.9% of this age group completing a COVID-19 vaccine series. For those in the 12-17 age group, the CDC data estimates that 77.2% of this population has been vaccinated in New York State, with 70.1% in this age group completing a COVID-19 vaccine series. By carrying forward the reporting requirements that were in place for the 2020-2021 school year, the Department will be able to track COVID-19 incidence and prevalence in school settings for the remainder of the school year. This will allow the Department to continue working with school districts and local health departments to implement targeted prevention strategies, where needed, to limit the spread of the virus.

Based on the foregoing, the Department has determined that these emergency regulations are necessary to control the spread of COVID-19, necessitating immediate action. Accordingly, pursuant to the State Administrative Procedure Act Section 202(6), a delay in the issuance of these emergency regulations would be contrary to public interest.

Subject: COVID-19 Reporting and Testing.

Purpose: To require COVID reporting in schools and to permit the commissioner to issue testing determinations in certain settings.

Text of emergency rule: Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by sections 201, 206, and 225 of the Public Health Law, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York is adding new sections 2.9 and 2.62, to be effective upon filing with the Secretary of State, to read as follows:

Section 2.9 is added to read as follows:

2.9. COVID-19 Reporting in Schools.

In addition to all other reporting requirements in this Part, every kindergarten, elementary, intermediate, or secondary school as well as any pre-kindergarten programs and school districts, as identified by the Department, shall report to the Department of Health, on a daily basis, in a form and manner to be determined by the Commissioner, all COVID-19 testing, positive test results reported in any manner to the school, and related information among students, teaching staff, and any other employees or volunteers. Such daily report shall include any other data elements as the Commissioner determines to be appropriate to track outbreaks of COVID-19 within such schools and school districts.

Section 2.62 is added to read as follows:

2.62. COVID-19 Testing Requirements.

(a) As determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread, the Commissioner may require routine COVID-19 testing in certain settings, which may include schools, homeless shelters, correctional facilities, nursing homes, and health care settings, and which may distinguish between individuals who have received full vaccination against COVID-19 or have had laboratory confirmed COVID-19 infection within the previous 90-days, and those who have not. Such testing determination may also include alternatives to testing as well as prevention protocols pending test results based on symptoms and/or exposure in certain settings.

(1) Entities subject to routine COVID-19 testing pursuant to a Commissioner's determination may accept documentation demonstrating full vaccination, or laboratory confirmed COVID-19 infection within the previous 90-days, in lieu of imposing such testing requirements, if permitted in a Commissioner's determination. "Full vaccination", for the purposes of this section, shall be determined by the Department in accordance with applicable federal guidelines and recommendations. Unless otherwise specified by the Department, documentation of full vaccination must include the manufacturer, lot number(s), date(s) of vaccination; and vaccinator or vaccine clinic site, in one of the following formats:

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

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

(iii) Excelsior Pass; or

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

(2) Entities subject to a Commissioner's determination pursuant to this section shall document testing or vaccination in appropriate records in accordance with applicable privacy laws and submit data and information related thereto to the Department in a manner and format set forth in such determination.

(3) The Commissioner shall issue findings regarding the necessity of testing requirements at the time such requirements are announced.

(b) Enforcement and Penalties.

(1) All local health officers shall take such steps as may be necessary to assist with the enforcement of the provisions of this section in accordance with the Public Health Law and this Title.

(2) A violation of any provision of this section is subject to all civil and criminal penalties as provided for by law. Entities that violate this section are subject to a maximum fine of \$1,000 for each violation. For purposes of civil penalties, each day that an entity operates in a manner inconsistent with the section shall constitute a separate violation under this section.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire June 30, 2022.

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority for adding a new section 2.9 and 2.60 is sections 201, 206, and 225 of the Public Health Law (PHL). Subdivision (c) of section 201 of the PHL requires the Department to supervise the reporting and control of disease. Subdivision (d) of section 206 of the PHL requires the Commissioner to investigate the causes of diseases and epidemics. Section 225 of the Public Health Law (PHL) authorizes the Public Health and Health Planning Council (PHHPC), subject to the approval of the Commissioner of Health (Commissioner), to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York.

Legislative Objectives:

The legislative objective of PHL § 201 includes authorizing the New York State Department of Health ("Department") to control and promote the control of communicable diseases to reduce their spread. Likewise, the legislative objective of PHL § 206 includes authorizing the Commissioner of Health to take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto and exercise the functions, powers and duties of the department prescribed by law, including control of communicable diseases. The legislative objective of Public Health Law § 225 is, in part, to protect the public health by authorizing PHHPC, with the approval of the Commissioner, to amend the State Sanitary Code to address public health issues related to communicable disease.

Needs and Benefits:

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

In response to this significant public health threat, the Department of Health seeks to empower the Commissioner through this emergency regulation to issue determinations requiring the immediate implementation of heightened COVID-19 testing protocols for population segments that may be at increased risk of transmission due, in part, to their employment or residential circumstances. Regular COVID-19 testing enables the immediate identification of COVID-19-positive individuals, even if they are not symptomatic, so that they can isolate and prevent further transmission. Additionally, the reporting of positive COVID-19 test results to public health authorities facilitates the rapid initiation of contact tracing to ensure close contacts are quarantined, tested, and isolated as needed.

These regulations also permit the Department to require reporting of testing and positive reports among school students, teaching staff, and any other employees or volunteers. It is important for the Department to monitor COVID-19 testing and positive reports in schools, given the number of students that are currently unvaccinated. Children ages 5 through 11 years old were only recently authorized by the U.S. Food and Drug Administration (FDA) to receive COVID-19 vaccinations. For those in the 12-17 age group, the CDC data estimates that 70.2% of this population has been vaccinated in New York State, with 61.6% in this age group completing a

COVID-19 vaccine series. By carrying forward the reporting requirements that were in place for the 2020-2021 school year, the Department will be able to track COVID-19 incidence and prevalence in school settings for the upcoming school year. This will allow the Department to work with school districts and local health departments to implement targeted prevention strategies, where needed to limit the spread of the virus.

Costs:

Costs to Regulated Parties:

In imposing testing requirements pursuant to a Commissioner's determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and positive reports for the 2021-2022 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

Costs to Local and State Governments:

Costs to local health departments and the Department are expected to be minimal and related to monitoring compliance with these regulations, which can be incorporated into existing reporting and oversight activities and resources.

Paperwork:

This measure will require documentation related to the testing requirement, as well as documentation to opt-out of testing by providing documentation of full vaccination against COVID-19 in appropriate records. No additional paperwork requirements are anticipated for the school reporting requirement, which is expected to take the form of electronic submission to the Department.

Local Government Mandates:

These regulations impose an obligation on schools and school districts to report COVID-19 testing and positive report data for students, teaching staff, and any other employees or volunteers. Local government may also be impacted if subject to a Commissioner's testing determination.

Duplication:

There is no duplication of federal law.

Alternatives:

The alternative to the school reporting requirement would be to not require COVID-19 related reporting for schools and school districts. A lack of the regulation would translate to a lack of accuracy in case statistics and delays or inadequate contact tracing. In addition, the Department would lose the ability to communicate with the community about COVID transmission patterns at the individual school level.

The alternative to permitting the Commissioner to issue determinations to require testing in certain settings would limit the ability for the Department to monitor trends related to COVID-19 transmission in more vulnerable populations, making it more difficult to work with partners to implement prevention strategies. Regular testing also helps to isolate infected individuals more quickly, as well as identify any contacts that need to be quarantined to prevent additional spread of COVID-19.

Federal Standards:

States and local governments have primary authority for controlling disease within their respective jurisdictions. Accordingly, there are no federal statutes or regulations that apply to disease control within NYS.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State and will expire, unless renewed, 30 days from the date of filing. As the COVID-19 pandemic is consistently and rapidly changing, it is not possible to determine the expected duration of need at this point in time. The Department will continuously evaluate the expected duration of these emergency regulations throughout the aforementioned 30-day effective period in making determinations on the need for continuing this regulation on an emergency basis or issuing a notice of proposed ruling making for permanent adoption. This notice does not constitute a notice of proposed or revised rule making for permanent adoption.

Regulatory Flexibility Analysis

Effect of Rule:

As part of ongoing efforts to address the COVID-19 pandemic, small

businesses and local governments have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Given the testing and reporting mechanisms that have already been established in many settings, it is not anticipated that this regulation will have a significant impact on or cost to these entities. With regard to the school COVID-19 reporting requirement, this regulation will apply to private schools, including parochial schools, some of which may be small businesses, as well as public schools operated by local governments.

Compliance Requirements:

These regulations provide that testing may be required under certain circumstances, and in certain settings, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. As part of a Commissioner's testing-related determination, this regulation permits the Commissioner to request information/data related to the elements set forth in the determination. These regulations also set forth specific COVID-19 testing and positive report reporting requirements for schools, carrying forward the reporting requirements in place during the 2020-2021 school year.

Professional Services:

As testing is a requirement of this regulation, the types of professional services that will be needed to comply with this rule include diagnostic and screening testing services offered by clinical laboratories that hold the appropriate New York State approval to carry out testing. Because there will be flexibility in the types of tests that can be used to operationalize testing, the types of clinical laboratories that can be used for testing will depend on the type of testing being performed. If a laboratory-based nucleic acid amplification tests (e.g., PCR) will be used to meet the testing requirement, testing will need to be performed off-site by a fully permitted clinical laboratory. In this scenario, individuals are sent to a partner for testing, or an arrangement can be made to conduct sample collection on-site for testing off-site at the clinical laboratory. If rapid waived tests will be used to meet the testing requirement, testing can be performed by a Limited Service Laboratory (LSL). Due to the lower requirements that need to be met for waived testing, an LSL can be established for on-site testing of individuals (e.g., performing testing on-site at a school).

Compliance Costs:

In imposing testing requirements pursuant to a Commissioner's determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and diagnoses for the 2021-2022 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

Any adverse impacts related to school reporting requirements are expected to be minimal, as it carries forward reporting requirements that schools were required to implement last year. The Department, however, will work with schools to ensure they are aware of the new regulations and have the information necessary to comply.

With regard to minimizing adverse impacts related to the Commissioner's authority to issue test-related determinations, many settings have been increasingly implementing COVID-19 prevention strategies, with testing being one such example. Specifically, schools became familiar with COVID-19 testing last year when the Department provided no cost antigen test cards as part of the microcluster testing initiative. Some schools have already implemented regular pooled surveillance testing to give communities confidence in the safety of their schools. Where the Commissioner issues a testing-related determination, the Department will work with the entities subject to such determination to provide the guidance necessary to comply.

Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

The following 44 counties have an estimated population of less than 200,000 based upon the 2019 United States Census county populations projections:

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

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

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

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

These regulations provide that testing may be required under certain circumstances and in certain settings, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. As part of a Commissioner’s testing-related determination, this regulation permits the Commissioner to request information/data related to the elements set forth in the determination. Lastly, these regulations also set forth specific COVID-19 testing and positive test reporting requirements for schools, carrying forward the reporting requirements in place during the 2020-2021 school year.

Costs:

In imposing testing requirements pursuant to a Commissioner’s determination, the Commissioner, in consultation with the Department, will consider costs and how they may be offset. For example, testing for certain populations is supported by federal grant funding. The State has received approximately 335 million dollars in federal Epidemiology and Laboratory Capacity for Infectious Diseases Cooperative (ELC) Agreement School Reopening Funding through at least July 31, 2022 with the possibility for future funding periods. The New York City Department of Health and Mental Hygiene has received an award for this purpose of approximately 251 million dollars. These amounts are believed to be sufficient to offset any costs associated with any school-related testing in New York State that may be required pursuant to this regulation, such that the fiscal impact on Local Health Departments and schools is minimized. Costs for testing can also be offset by testing that is offered under Operation Expanded Testing which is free testing in K-12 schools and other congregate settings which is funded by the Department of Health and Human Services (HHS) and Department of Defense (DoD).

With regard to the COVID-19 school reporting requirement, schools had to submit daily reports related to COVID-19 testing and diagnoses for the 2021-2022 school year. These regulations carry forward this reporting requirement and is not expected to generate any additional cost.

Economic and Technological Feasibility:

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

Minimizing Adverse Impact:

Any adverse impacts related to school reporting requirements are expected to be minimal, as it carries forward reporting requirements that schools were required to implement last year. The Department, however, will work with schools to ensure they are aware of the new regulations and have the information necessary to comply.

With regard to minimizing adverse impacts related to the Commissioner’s authority to issue test-related determinations, many settings have been increasingly implementing COVID-19 prevention strategies, with testing being one such example. Specifically, schools became familiar with COVID-19 testing last year when the Department provided no cost antigen test cards as part of the microcluster testing initiative. Some schools have already implemented regular pooled surveillance testing to give communities confidence in the safety of their schools. Where the Commissioner issues a testing-related determination, the Department will work with the entities subject to such determination to provide the guidance necessary to comply.

Rural Area Participation:

Due to the emergent nature of COVID-19, parties representing rural areas were not consulted.

Job Impact Statement

A Job Impact Statement is not being submitted with this rule because it is evident from the subject matter of the rule that it will have no impact on jobs and employment opportunities. The primary purposes of this rule is to carry forward COVID-19 related reporting and to permit the Commissioner to impose COVID-19 testing requirements in certain settings based on specified criteria.

Department of Labor

EMERGENCY RULE MAKING

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

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

Filing No. 403

Filing Date: 2022-05-31

Effective Date: 2022-05-31

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

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

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

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

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

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

Purpose: Airborne Infectious Disease Exposure Prevention Standard.

Substance of emergency rule (Full text is posted at the following State website: dol.ny.gov/HERO_Act_Regs): The rule creates a new section of regulations designated as 12 NYCRR 840.1 entitled “Airborne Infectious

Disease Exposure Prevention Standard.” This section is summarized as follows:

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. LAB-34-21-00002-EP, Issue of August 25, 2021. The emergency rule will expire July 29, 2022.

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

Regulatory Impact Statement

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

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

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

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

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

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

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

Alternatives: There were no significant alternatives considered.

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

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

Regulatory Flexibility Analysis

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

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

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

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

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

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

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

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

Rural Area Flexibility Analysis

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

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

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

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

Minimizing adverse impact: The Department does not anticipate that this regulation will adversely impact small businesses or local governments. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption

of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

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

Job Impact Statement

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

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

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

Minimizing adverse impact: Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this regulation, no measures to minimize any unnecessary adverse impact on existing jobs or to promote the development of new employment opportunities are required.

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

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

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Waiver of Tariff Rules and a Related Commission Regulation

I.D. No. PSC-24-22-00004-P

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

Proposed Action: The Commission is considering a petition by Belmonte Properties, LLC for a waiver of Niagara Mohawk Power Corporation d/b/a National Grid’s tariff rules regarding a one-year extension of electric lines at the Morgan Meadows Subdivision.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver of tariff rules and a related Commission regulation.

Purpose: To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on January 20, 2022 by Belmonte Properties, LLC (Petitioner), requesting a one-year extension of the time allowed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid)’s tariff to energize additional lots of the Petitioner’s Morgan Meadows Subdivision (Development).

The Commission’s regulations at 16 NYCRR § 100.3 provide that a non-residing applicant for electric service must provide a deposit to the utility equal to the estimated cost of construction. The deposit is returned to the applicant, on a pro rata basis, as each new customer takes service from the utility. Part 100.3(b) provides that any portion of the deposit remaining unrefunded five years after the date the utility is first ready to render service shall be retained by the utility. National Grid’s electric tariff, PSC 220 Rule 16.6, incorporates the Commission’s regulation

The Development is located in Clay, New York. National Grid has been ready to supply the Development with electric service since June 2017. The Petitioner provided National Grid with a letter of credit for the refundable portion of the contribution. The five-year development period is set to expire on June 16, 2022, at which point National Grid would be entitled to call upon the remaining value of the letter of

credit, \$29,455.32. Petitioner requests a waiver of National Grid’s tariff rule to allow a one-year extension of the development period. Petitioner states they’ve experienced shutdowns and delays due to the COVID-19.

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-0291SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Submeter Electricity

I.D. No. PSC-24-22-00005-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 the petition of 745 Broadway Albany LLC to submeter electricity at 745 Broadway, Albany, 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: 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 745 Broadway Albany LLC (Owner) on May 9, 2022, seeking authority to submeter electricity at a new market-rate rental building comprised of 80 living units, located at 745 Broadway, Albany, NY 12207, in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid (National Grid).

In the petition, the Owner requests authorization to take electric service from National Grid and then distribute and meter that electricity to its tenants. Once approved by the Commission, submetering of electricity to residents 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 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-0284SP1)

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

Replacement of Existing Cellular Antennas on a Transmission Tower

I.D. No. PSC-24-22-00006-P

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

Proposed Action: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. and New Cingular Wireless PCS, LLC to replace existing cellular antennas on Con Edison's transmission tower K-49.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Replacement of existing cellular antennas on a transmission tower.

Purpose: Whether authorizing the petition is in the public interest.

Substance of proposed rule: The Commission is considering a petition from Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular Wireless PCS, LLC (Cingular) filed on March 30, 2022 to replace existing cellular antennas on Con Edison transmission tower K-49, located in the Town of Greenburgh, Westchester County.

The petition states that the existing Cingular antennas occupy space on tower K-49 pursuant to a license agreement signed with Con Edison in 2004, the terms of which were approved by the Commission. Any work on the tower structure itself will be performed by Con Edison employees, while other work will be done by contractors approved by Con Edison.

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: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

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

(22-M-0248SP1)

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

St. Lawrence Gas' Petition for a Waiver of its 2021 Service Quality Performance

I.D. No. PSC-24-22-00007-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 Liberty Utilities (St. Lawrence Gas) Corp. for a waiver regarding the Company's 2021 performance on the Customer Satisfaction Survey service quality metric.

Statutory authority: Public Service Law, sections 25-a, 65 and 66

Subject: St. Lawrence Gas' petition for a waiver of its 2021 service quality performance.

Purpose: To determine if St. Lawrence Gas' petition for waiver is in the public interest.

Substance of proposed rule: The Commission is considering the petition submitted by Liberty Utilities (St. Lawrence Gas) Corp. (the Company) on

May 17, 2022, regarding a waiver of the Company's 2021 performance on its Customer Satisfaction Survey metric under the utility's Service Quality Performance Mechanism

The petition requests the Commission waive penalties that would be assessed for the Company's annual performance on the Customer Satisfaction Survey metric. The Company claims that its performance on the Customer Satisfaction Survey metric was significantly impacted by the COVID-19 pandemic and outside influences beyond the Company's control, such as customers' dissatisfaction with gas rates, energy efficiencies, and price changes

Staff is currently reviewing and auditing the granular data submitted by the Company to determine the accuracy of the statements and reasons provided in the petition.

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

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

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

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

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

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

(22-M-0054SP1)

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

Waiver of Tariff Rules and a Related Commission Regulation

I.D. No. PSC-24-22-00008-P

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

Proposed Action: The Commission is considering a petition by Belmonte Properties, LLC for a waiver of Niagara Mohawk Power Corporation d/b/a National Grid's tariff rules regarding a one-year extension of electric and gas lines at the City Square Subdivision.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Waiver of tariff rules and a related Commission regulation.

Purpose: To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on January 20, 2022 by Belmonte Properties, LLC (Petitioner), requesting a one-year extension of the time allowed by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid)'s tariff to energize additional lots of the Petitioner's City Square Subdivision (Development).

The Commission's regulations at 16 NYCRR § 100.3 provide that a non-residing applicant for electric service must provide a deposit to the utility equal to the estimated cost of construction. The deposit is returned to the applicant, on a pro rata basis, as each new customer takes service from the utility. Part 100.3(b) provides that any portion of the deposit remaining unrefunded five years after the date the utility is first ready to render service shall be retained by the utility. National Grid's electric tariff, PSC 220 Rule 16.6, incorporates the Commission's regulation. National Grid's gas tariff, PSC 219, Rule 10.4 provides substantially similar requirements for non-residing applicants requesting the extension of gas facilities.

The Development is located in Saratoga, New York. National Grid has been ready to supply the Development with electric and gas service since January 2017. The Petitioner provided National Grid with a cash deposit for the refundable portion of the contribution. The five-

year development period expired on January 19, 2022, at which point National Grid would be entitled to retain the remaining deposit, approximately \$13,121.75. Petitioner requests a waiver of National Grid's tariff rule to allow a one-year extension of the development period. Petitioner states they've experienced shutdowns and delays due to the COVID-19.

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-M-0292SP1)

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

Replacement of Existing Cellular Antennas on a Transmission Tower

I.D. No. PSC-24-22-00009-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 Consolidated Edison Company of New York, Inc. and New Cingular Wireless PCS, LLC to replace existing cellular antennas on Con Edison's transmission tower K-34.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Replacement of existing cellular antennas on a transmission tower.

Purpose: Whether authorizing the petition is in the public interest.

Substance of proposed rule: The Commission is considering a petition from Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular Wireless PCS, LLC (Cingular) filed on April 4, 2022 to replace existing cellular antennas on Con Edison transmission tower K-34, located in the Town of Greenburgh, Westchester County.

The petition states that the existing Cingular antennas occupy space on tower K-34 pursuant to a license agreement signed with Con Edison in 2004, the terms of which were approved by the Commission. Any work on the tower structure itself will be performed by Con Edison employees, while other work will be done by contractors approved by Con Edison.

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: Kathleen H. Burgess, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

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

(22-M-0249SP1)

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Agriculture and Markets, Department of		
AAM-24-22-00012-P	Holding and movement of captive cervids	Teleconference—August 25, 2022, 11:00 a.m. The telephone number to call in is (518) 549-0500 and the access code is 37265540.
Education Department		
EDU-13-22-00024-EP	Accelerated due process procedures	Zoom—June 15, 2022, 11:00 a.m. Link: https://zoom.us/j/91822156772?pwd=OHJUbjQwV3RPL3JUZXVDOXF4NmZuUT09 Meeting ID: 918 2215 6772 Passcode: 672220 Call In: +1 646 558 8656 US (New York)
EDU-13-22-00029-P	Special education due process system procedures	Zoom—June 15, 2022, 10:00 a.m. Link: https://zoom.us/j/91822156772?pwd=OHJUbjQwV3RPL3JUZXVDOXF4NmZuUT09 Meeting ID: 918 2215 6772 Passcode: 672220 Call in: +1 646 558 8656 US (New York)
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
ENV-23-22-00007-P	Prohibition of glyphosate use by State departments, State agencies, and public benefit corporations on State property	Electronic Webinar—August 17, 2022, 1:00 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 6 NYCRR Part 325 by June 8, 2022. The proposed regulations webpage for 6 NYCRR Part 325 may be accessed at: https://www.dec.ny.gov/regulations/125410.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 325 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 August 5, 2022. The written request must be addressed to ALJ Timothy MacPherson, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Timothy MacPherson 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.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	0001	P

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

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

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.
-------------------	----------	--	---

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-24-22-00002-P	06/15/23	Voluntary Program for the Production of Virus-Tested Plant Materials	To implement procedures to better enable certification and sale of virus-tested materials.
AAM-24-22-00012-P	08/25/23	Holding and movement of captive cervids	To ensure that captive cervids are held and moved in a manner designed to prevent disease and to be properly treated if disease

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

Action Pending Index**NYS Register/June 15, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-11-22-00006-P	03/16/23	residential services	requirements for the delivery of residential services
ASA-11-22-00007-P	03/16/23	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS
ASA-11-22-00008-P	03/16/23	Substance use disorder residential rehabilitation services for youth	to establish standards for substance use disorder residential rehabilitation services for youth
ASA-11-22-00009-P	03/16/23	substance use disorder inpatient rehabilitation	requirements for substance use disorder inpatient rehabilitation services
ASA-11-22-00010-P	03/16/23	general service standards for substance use disorder outpatient programs	general service standards for substance use disorder outpatient programs
ASA-11-22-00011-P	03/16/23	incident reporting in oasas certified, licensed, funded, or operated services	incident reporting in oasas certified, licensed, funded, or operated services
ASA-12-22-00005-P	03/23/23	Designated Services	To add new Adolescent Program Endorsement and new Ancillary Withdrawal Designation
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
OCM-24-22-00013-P	06/15/23	Packaging, Labeling, Marketing and Advertising of Adult-Use Cannabis	Establishing parameters for the packaging, labeling, marketing, and advertising of adult-use cannabis products, creating requirements for protecting the health and safety of consumers, and preventing targeting cannabis products to youth
OCM-24-22-00014-P	06/15/23	Permitting and regulating Cannabis Laboratories	Regulating and permitting laboratories, analyzing adult-use and medical cannabis, providing results to the Office and licensees, and aiding in the determination that cannabis products reflect potency and meet limits for contaminants
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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
CFS-23-22-00003-P	06/08/23	Exclusion of certain pre-K and kindergarten child day care providers from the definition of "child day care"	To exclude certain pre-K and kindergarten programs operated by public school districts from the definition of "child day care"
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
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

Action Pending Index

NYS Register/June 15, 2022

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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
CVS-23-22-00008-P	06/08/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-23-22-00009-P	06/08/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-23-22-00010-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-23-22-00011-P	06/08/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-23-22-00012-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-23-22-00013-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-23-22-00014-P	06/08/23	Jurisdictional Classification	To delete a position from and classify a position in the exempt class.
CVS-23-22-00015-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-23-22-00016-P	06/08/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-22-00017-P	06/08/23	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-23-22-00018-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-23-22-00019-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-23-22-00020-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class.

CORRECTION, STATE COMMISSION OF

CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
-------------------	----------	----------------------------	---

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTION, STATE COMMISSION OF			
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-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
EDV-22-22-00003-P	06/01/23	Restaurant Return-to-Work Tax Credit Program	To add the additional administrative process for the additional restaurant return-to-work tax credit
EDV-24-22-00011-EP	06/15/23	New York City Musical and Theatrical Tax Credit program	To update the administrative process for the program and conform to statute
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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
EDU-17-22-00008-EP	04/27/23	General Comprehensive Examination Subtests 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
EDU-22-22-00004-EP	06/01/23	Incidental teaching and substitute teaching flexibilities.	To extend flexibilities for incidental teaching and substitute teaching.
EDU-22-22-00005-P	06/01/23	Business and Marketing Content Specialty Test Safety Net.	To create a safety net for the business and marketing content specialty test.
EDU-22-22-00006-P	06/01/23	Education, examination, and experience requirements for licensure in the profession of public accountancy.	To modernize the education, experience and examination standards for CPAs.
EDU-22-22-00007-P	06/01/23	Unprofessional Conduct in the practice of veterinary medicine.	To establish unprofessional conduct for multi veterinarian and solo veterinarian practices.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-22-22-00008-P	06/01/23	Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction).	To provide clarity as to the circumstances under which homebound instruction may be requested and delivered.
EDU-22-22-00009-P	06/01/23	Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act	To implement the Dominic Murray Sudden Cardiac Arrest Prevention Act.
EDU-22-22-00010-EP	06/01/23	Special appeal to earn diplomas with a lower score on a Regents examination in the 2021-22 or 2022-23 school years.	To permit students to appeal a lower score on a Regents examination in the 2021-22 or 2022-23 school years to earn diplomas.
EDU-22-22-00011-P	06/01/23	Session days and time spent in assessments	To define session days and to count time spent in assessments toward the minimum instructional hour requirement.
EDU-22-22-00012-P	06/01/23	Students with Disabilities Certificate	See attached.
ELECTIONS, STATE BOARD OF			
SBE-33-21-00010-RP	08/18/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00003-RP	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-RP	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
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
ENV-22-22-00016-P	06/01/23	SPDES Incorporation by Reference	Update SPDES Incorporation by Reference
ENV-23-22-00007-P	08/17/23	Prohibition of glyphosate use by state departments, state agencies, and public benefit corporations on state property	Prohibit the use of glyphosate by state agencies, state departments, public benefit corporations unless exempted
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-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
DFS-21-22-00002-P	05/25/23	Agent Training Allowance Subsidies for Certain Life Insurance and Annuity Business	To increase the maximum training allowance to reflect inflation.
DFS-23-22-00004-P	06/08/23	Registration of Pharmacy Benefit Managers	To establish regulations for the registration and first annual report of pharmacy benefit managers
DFS-23-22-00005-P	06/08/23	Pharmacy Benefits Bureau	To establish the Pharmacy Benefits Bureau and revise the rules for the Drug Accountability Board
DFS-24-22-00001-EP	06/15/23	Registration of Pharmacy Benefit Managers	Establishment of the registration and first annual reporting requirements for pharmacy benefit managers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-24-22-00010-P	06/15/23	LICENSED CASHERS OF CHECKS; FEES	To change the maximum fee that may be charged by licensed check cashers and remove an automatic inflation adjustment
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
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-07-22-00010-P	02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-07-22-00011-P	02/16/23	Surge and Flex Health Coordination System	Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-10-22-00009-P	03/09/23	Updated Retention Standards for Adult Care Facilities	To ensure admission and retention standards for adult care facilities are consistent with the Americans with Disabilities Act
HLT-12-22-00001-P	03/23/23	Clinical Laboratories and Blood Banks	To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel
HLT-12-22-00002-P	03/23/23	Reporting of Acute HIV Infection	To require clinicians to report any case of acute HIV within 24 hours of diagnoses
HLT-12-22-00003-P	03/23/23	Telehealth Services	To ensure continuity of care of telehealth services provided to Medicaid enrollees
HLT-23-22-00001-P	06/08/23	Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency.
HLT-23-22-00002-P	06/08/23	COVID-19 Vaccinations of Nursing Home and Adult Care Facility Residents and Personnel	To require nursing homes and adult care facilities to conduct ongoing COVID-19 vaccinations of their residents and personnel.
HUMAN RIGHTS, DIVISION OF			
HRT-21-22-00001-P	05/25/23	Required notice to Public housing program or assistance recipients regarding housing discrimination based on source of income	To comply with the requirements of Executive Law section 170-e
JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE			
JPE-06-22-00015-EP	02/09/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction	To increase transparency of the Commission
LABOR, DEPARTMENT OF			
LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
MENTAL HEALTH, OFFICE OF			
OMH-48-21-00003-ERP	12/01/22	Telehealth Expansion	To establish regulations regarding the expansion of telehealth
OMH-23-22-00021-P	06/08/23	Relating to the certification, operation and reimbursement of clinic treatment programs serving adults and children.	To align such program with the State Plan Amendment.
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
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-37-21-00001-P	09/15/22	Certified Residential Opportunities	To provide equity in opportunities for certified residential opportunities
PDD-40-21-00002-EP	10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health
PDD-43-21-00003-ERP	10/27/22	COVID-19 vaccines	To require vaccinations in certain OPWDD settings
PDD-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-10-22-00010-EP	03/09/23	Training Flexibilities	To provide flexibility in training requirements

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards	To consider revisions to the Commission's Electric Safety Standards
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients	Whether to expand Con Edison's low income program to include Medicaid recipients
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018	To extend the time period between the Companies' third-party assessments of customer personally identifiable information
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers
*PSC-50-17-00019-P	..... exempt	Transfer of utility property	To consider the transfer of utility property
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation	To promote and maintain renewable and zero-emission electric energy resources
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment	To ensure that customer bills are based on accurate measurements of gas usage
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	..... exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
*PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights.	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest.
PSC-26-21-00010-P	..... exempt	Proposed acquisition of all shares of common stock of Corning Natural Gas Holding Corporation by ACP Crotona Corp	To consider whether the acquisition of all shares of common stock of CNGH by ACP Crotona Corp. is in the public interest
PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY	To address the proposed transfer and any matters within the public interest
PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits
PSC-28-21-00015-P	..... exempt	Proposals for active and passive managed charging programs for mass market EV customers	To shift EV charging to moderate grid impacts and customer costs
PSC-29-21-00004-P	..... exempt	Exemptions from utility standby rates for efficient combined heat and power projects	To determine whether utility standby rate exemptions should be continued
PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies	To study the efficacy of using AMI to disconnect electric service during gas system emergencies
PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard
PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers.	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers.
PSC-32-21-00003-P	..... exempt	Exemptions from utility standby rates for certain designated or environmentally advantageous technologies	To harmonize standby rate exemptions statewide
PSC-33-21-00008-P	..... exempt	Establishment of a Tapping and Connection Fee	To consider whether the proposed fees are in the public interest
PSC-33-21-00009-P	..... exempt	Banking of credits and switching between Community Distributed Generation and Remote Crediting projects	To ensure just and reasonable rates charged to customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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-39-21-00007-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-44-21-00010-P	..... exempt	Petition to enter a long term loan agreement and to institute a surcharge for recovery	To determine if the issuance of long term debt and a surcharge mechanism for recovery is in the public interest
PSC-44-21-00012-P	..... exempt	Disposition of a New York State tax refund	To determine the disposition of a tax refund obtained by New York American Water Company, Inc.
PSC-44-21-00014-P	..... exempt	Development of distribution and local transmission in accordance with the AREGCB Act	To support distribution and local transmission investments necessary to achieve the the State's climate goals
PSC-46-21-00014-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
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-02-22-00006-P	..... exempt	Green gas products	To consider whether to extend the waiver permitting Family Energy, Inc. to serve existing customers on a green gas product
PSC-02-22-00007-P	..... exempt	Proposed changes to Rider Z - SC 1 Innovative Pricing Pilot and Rider AA - SC 2 Innovative Pricing Pilot	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-03-22-00003-P	..... exempt	Proposal by electric utilities on a revised benefit cost analysis method	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals
PSC-03-22-00004-P	..... exempt	Proposal by electric utilities on a coordinated electric grid planning process	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals
PSC-04-22-00002-P	..... exempt	Con Edison's petition for specific non-pipeline alternative projects	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals
PSC-04-22-00003-P	..... exempt	Proposed sale of real property	To determine if the proposed sale of real property is in the public interest
PSC-04-22-00004-P	..... exempt	Extension of the State Universal Service Fund	To continue to provide universal service at a reasonable rate in certain service territories
PSC-04-22-00005-P	..... exempt	Petition to continue development and recover the costs of 23 local transmission projects	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals
PSC-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-05-22-00003-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-06-22-00011-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-06-22-00014-P	..... exempt	The regulatory regime applicable to a solar electric generating facility	To ensure appropriate regulation of a new electric corporation
PSC-07-22-00007-P	..... exempt	Minor electric rate filing to increase annual electric revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-07-22-00009-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-08-22-00004-P	..... exempt	Debt financing arrangement	To review the proposed financing and consider whether it is within the public interest
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-10-22-00011-P	..... exempt	Notice of intent to submeter electricity and request for waiver	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-10-22-00012-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
PSC-21-22-00005-P	..... exempt	To implement the non-pipe alternative factor to recover the costs of approved alternative infrastructure projects.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-22-00006-P	..... exempt	Joint petition for a transfer of certain real and personal property.	To consider the transfer of certain real and personal property from O&R to Transco.
PSC-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers.
PSC-21-22-00008-P	..... exempt	Cybersecurity requirements.	Modify the framework to ensure the protection of utility systems and customer data from cyber events.
PSC-21-22-00009-P	..... exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water and waiver of rate setting authority.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-21-22-00010-P	..... exempt	Transfer of control of cable television franchises and systems.	To consider whether the transfer of control of cable franchises is in the public interest.
PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers.
PSC-22-22-00001-EP	..... exempt	Amendment of Con Edison's electric tariff to reduce the likelihood of extreme and sudden price volatility.	To protect electric customers from extreme and sudden commodity price volatility.
PSC-22-22-00013-P	..... exempt	National Grid' s proposed gas demand response program.	To determine if National Grid's proposed gas demand response program is in the public interest.
PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements.	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities.
PSC-22-22-00015-P	..... exempt	Proposal to make an adjustment to its URD surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-22-22-00017-P	..... 06/01/23	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-23-22-00022-P	..... exempt	Transfer of Arbor Hills' assets and a rate proposal regarding investments made by Liberty in the Arbor Hills system.	To determine if the transfer of Arbor Hills' assets and a rate proposal is in the public interest.
PSC-23-22-00023-P	..... exempt	16 NYCRR Article VII waiver.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

Action Pending Index

NYS Register/June 15, 2022

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-23-22-00024-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-24-22-00004-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-24-22-00005-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-24-22-00006-P	..... exempt	The replacement of existing cellular antennas on a transmission tower.	Whether authorizing the petition is in the public interest.
PSC-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance.	To determine if St. Lawrence Gas' petition for waiver is in the public interest.
PSC-24-22-00008-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-24-22-00009-P	..... exempt	The replacement of existing cellular antennas on a transmission tower.	Whether authorizing the petition is in the public interest.
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
SUN-21-22-00003-EP	..... 05/25/23	State basic financial assistance for the operating expenses of community colleges under the programs of SUNY and CUNY.	To modify limitations formula for basic State financial assistance and modify the funding floor.
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
TAF-23-22-00006-P	..... 06/08/23	Designation of a records appeals officer to decide appeals from departmental responses to requests for public access to records.	To provide for greater flexibility in designating a records appeals officer to decide appeals under FOIL.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-01-22-00001-EP	01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
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
TDA-21-22-00004-P	05/25/23	Unclaimed support funds	See attached Addendum No. 1
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
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

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE MASONRY/ROOF Fishkill Correctional Facility Beacon, Dutchess County

Sealed bids for Project No.M3151-C, comprising a contract for Construction Work, Masonry & Roof Replacement, Building No. 15, Gym, Fishkill Correctional Facility 18 Strack Drive, Beacon (Dutchess County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, June 15, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond) in the amount of \$89,800 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 \$3,000,000 and \$4,000,000 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.

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

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

The substantial completion date for this project is 1,093 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on June 2, 2022, at 17 Duck Pond Drive, Beacon NY 12508. 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 Lanti Osmani (845-765-7123) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the 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 docu-

ments can be accessed at the following link: <http://www.bidexpress.com>

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

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

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

By OGS - Design & Construction Group

PROVIDE
WATER PLANT IMPROVEMENTS
 Green Haven Correctional Facility
 Stormville, Dutchess County

Sealed bids for Project Nos. Q1765-C, Q1765-P and Q1765-E, comprising separate contracts for Construction Work, Plumbing Work, and Electrical Work, Provide Water Plant Improvements, Green Haven Correctional Facility, Route 216, Stormville (Dutchess County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, July 13, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond) in the amount of \$22,400 for C, \$66,900 for P, and \$23,400 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C, between \$2,000,000 and \$3,000,000 for P, and between \$250,000 and \$500,000 for E.

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

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

flation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 322 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on June 29, 2022, at the NYS OGS Field Office, Green Haven CF, 94 Route 216 Stormville, NY 12582. 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 Gina Defreitas (845-227-3829) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

PROVIDE
STANDBY EMERGENCY GENERATOR
 Blue Mountain Radio Facility Utility
 Indian Lake, Hamilton County

Sealed bids for Project Nos. Q1818-C and Q1818-E, comprising separate contracts for Construction Work, and Electrical Work, Provide Standby Emergency Generator, Blue Mountain Radio Facility Utility, Rt 28N, Indian Lake (Hamilton County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Environmental Conservation - Division of Operations, until 2:00 p.m. on Wednesday, June 29, 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 \$17,200 for C, and \$32,900 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$100,000 and \$250,000 for C, and between \$500,000 and \$1,000,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are 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 407 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on June 16, 2022, at the Gravel Lot at the Intersection of Camp One and NYS Route 28N/30, Blue Mountain Lake, NY 12812. 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 Allison Sayer (315-744-3186) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

PROVIDE
RESTROOM/LOCKER ROOM ADDITION
 Department of Transportation Region 6
 Watkins Glen, Schuyler County

Sealed bids for Project Nos. 45260-C, 45260-H, 45260-P and 45260-E, comprising separate contracts for Construction Work, HVAC

Work, Plumbing Work, and Electrical Work, Provide Restroom and Locker Room Addition Maintenance Headquarters, DOT Region 6, Schuyler County, 3545 County Route 16, Watkins Glen (Schuyler County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, June 29, 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 \$53,700 for C, \$15,100 for H, \$15,600 for P, and \$17,200 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, between \$100,000 and \$250,000 for H, between \$100,000 and \$250,000 for P, and between \$100,000 and \$250,000 for E.

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

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

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

The substantial completion date for this project is 435 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 1:30 p.m. on June 16, 2022, at 3545 County Route 16, Watkins Glen, NY 14891. 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 Christopher Robertson (607-734-0592) a mini-

num of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and HVAC Work and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work and Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that the Office of Mental Health has determined that a certain piece or parcel of land, known as 210 Miles Avenue, City of Syracuse, County of Onondaga, State of New York (Tax Identifier 53-14-3) improved with a 2,000± square foot dwelling on a 0.24± acre lot, as surplus and no longer useful or necessary for state program purposes, and has abandoned the property to the Commissioner of General Services for sale or other disposition as Unappropriated State land.

For further information, please contact: Frank Pallante, Esq., Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, frank.pallante@ogs.ny.gov

PUBLIC NOTICE Deferred Compensation Plan

The New York City Deferred Compensation Plan (the "Plan") is seeking qualified vendors to provide international value equity investment management services for the International Equity Fund (the "Fund") investment option of the Plan. The objective of the Fund is to provide exposure to the broad international equity market. Qualified vendors that do not currently provide product capabilities to eVestment must submit product information to NEPC, LLC at the following e-mail address: bvertucci@nepc.com. Please complete the submission of product information no later than 4:30 P.M. Eastern Time on June 29, 2022.

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE Department of State F-2022-0370

Date of Issuance – June 15, 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-2022-0370, 351 Bridge Lane LLC, is proposing to install new 4' x 20' catwalk, 3' x 20' ramp 6' x 20' float, and 8" float securing piles (2), 351 Bridge Lane, Sagaponack, Sagaponack Pond.

The stated purpose of the proposed action is "access to waterway and boat dockage".

The applicant's consistency certification and supporting information are available for review at: https://dos.ny.gov/system/files/documents/2022/6/f-2022-0370_351bridgelanellc.pdf or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or July 15, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0278 Matter of Nassau Expeditors Inc., Scott Tirone, 75 Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the ceiling height. Involved is an existing dwelling located at 14 Robin Lane, Manhasset, Town of North Hempstead, 11030, County of Nassau, State of New York.

2022-0281 Matter of Nassau Expeditors Inc., Scott Tirone, 75

Albertson Avenue, Albertson, NY 11507, for a variance concerning safety requirements, including the ceiling height and height under a girder/soffit. Involved is an existing dwelling located at 92 Clapham Avenue, Manhasset, Town of North Hempstead, 11030, County of Nassau, 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.

2022-0283 in the Matter of Building Permit Services, John Matthews, 45 Sunset Drive, Croton On Hudson, NY 10520, for a variance concerning safety requirements, including ceiling height. Involved is a single-family dwelling located at 25 Macarthur Blvd., Town of Cortlandt, NY 10567, County of Westchester, State of New York.

2022-0285 in the Matter of Gabriel Koche Ce Architect LLC, Gabriel Ce, 280 Warburton Avenue, Hastings On Hudson, NY 10706, for a variance concerning safety requirements, including ceiling height. Involved is a single-family dwelling located at 14 Bursley Place, White Plains, NY 10583, County of Westchester, State of New York.

2022-0286 in the Matter of Setanta Realty Inc., James Leyden, 32 Douglas Ave., Yonkers, NY 10703, for a variance concerning safety requirements, including sprinkler system. Involved is a single-family dwelling located at 1459 Nepperhan Ave., Yonkers, NY 10703, County of Westchester, State of New York.

EXECUTIVE ORDERS

Executive Order No. 3.8: Continuing the Declaration of Disaster Emergency.

WHEREAS, pursuant to Executive Order 211, issued July 6, 2021, a statewide disaster was declared across the State due to gun violence;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Article 2-B of the Executive Law, York, do hereby extend the state disaster emergency as set forth in Executive Order 211, as continued in Executive Order 3.7, and continue the terms, conditions, and suspensions contained in Executive Order 211, until June 20, 2022.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-first day of May in the year two thousand twenty-two.

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor

Executive Order No. 11.6: Declaring a Disaster Emergency in the State of New York.

WHEREAS, New York continues to experience COVID-19 transmission, with the rate of new COVID-19 hospital admissions remaining at over 100 new admissions a day;

WHEREAS, the SARS-CoV-2 variant known as Omicron, determined a variant of concern by the World Health Organization and the Centers for Disease Control and Prevention, is known to be highly-transmissible and to necessitate that persons have additional doses of vaccines for optimal protection;

WHEREAS, the state must pursue a coordinated approach to ensure hospital capacity statewide is able to meet regional needs;

WHEREAS, the State government must support the municipalities and counties in their efforts to facilitate and administer vaccinations and tests for COVID-19, and to prevent the virus from continuing to spread at such rates;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and the Laws of New York State, do hereby continue the state disaster emergency as set forth in Executive Order 11, and continue the suspensions and modifications of law contained in Executive Orders 11, 11.1, 11.2, 11.3, 11.4, and 11.5, through June 14, 2022.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this fifteenth day of May in the year two thousand twenty-two

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor

Executive Order No. 18: Preventing and Responding to Domestic Terrorism.

WHEREAS, on March 14, 2022, a shooting at a Buffalo, NY, supermarket killing 10 people by an individual motivated by racist conspiracy theories discovered on internet message boards highlights the urgent and significant threat the State faces from domestic extremists;

WHEREAS, the number of domestic extremist attacks, arrests, and plots have more than tripled from 2011 to 2021, according to the Center for Strategic and International Studies, with more than “38 white supremacist and other like-minded terrorist attacks and plots” in 2021;

WHEREAS, the Office of the Director of National Intelligence continues to determine that domestic extremism poses a heightened threat to the United States;

WHEREAS, domestic extremists use social media and other online platforms to distribute propaganda to inspire violence, recruit, plan, and conspire with one another;

WHEREAS, domestic extremists continue to call for violence directed at critical infrastructure; soft targets and mass gatherings; faith-based institutions, such as churches, synagogues, and mosques; institutions of higher education; people of different races and religions; government facilities and personnel; the media; and perceived ideological opponents;

WHEREAS, the Department of Homeland Security (DHS) has determined that the United States remains in a heightened threat environment fueled by several factors, including an online environment filled with false or misleading narratives and conspiracy theories, and other forms of mis-, dis-, and malinformation introduced and/or amplified by foreign and domestic threat actors;

WHEREAS, misleading narratives and conspiracy theories, and other forms of mis- dis- and malinformation are introduced and/or amplified by foreign and domestic threat actors;

WHEREAS, the Federal Bureau of Investigation and DHS assess that white supremacist violent extremists remain the most persistent threat for mass casualty attacks amongst domestic extremists;

WHEREAS, a collaborative effort involving State and local governments and law enforcement, school officials, health care providers and private entities is required to comprehensively respond to this urgent threat;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

- I. Every county and the City of New York must perform a comprehensive review of current strategies, policies, procedures, practices. Every county and the City of New York must develop and maintain a plan to identify and confront threats of domestic terrorism that includes racially or ethnically motivated violent extremists. This plan must include input from law enforcement, mental health professionals, school officials, and other key stakeholders within their jurisdiction and be submitted to the Division of Homeland Security and Emergency Services’ Office of Counterterrorism on or before December 31, 2022. These plans will be used to inform funding distributions in forthcoming grant opportunities.
- II. The Division of Homeland Security and Emergency Services shall establish a unit within the Office of Counterterrorism

dedicated to preventing domestic terrorism. This unit will be responsible for: (1) developing best practices for law enforcement, mental health professionals, and school officials to address the rise in targeted violence, domestic violence extremism, and homegrown violent extremism; (2) developing training for law enforcement, mental health professionals, and school officials to increase awareness of domestic violent extremism and radicalization; and (3) implementing a program to use social media and other mediums to intervene in the radicalization process. There is hereby established the Threat Assessment Management Program (“Program”), to be administered by the Office of Counterterrorism. The Program shall disburse funding to counties to assist in creating and operating threat assessment management teams. Such teams shall be comprised of law enforcement, mental health professionals, school officials, and other key stakeholders tasked with identifying, assessing, and mitigating the threat of targeted violence. Funding shall be made available in the form of grants, which shall be awarded to counties consistent with all applicable procurement laws and rules.

- III. The State Police shall establish a dedicated unit within the New York State Intelligence Center (NYSIC) to track domestic extremism and increase social media monitoring at the Intelligence Center. The unit will be responsible for developing investigative leads based on social media analyses focused on radical extremist activities motivated threats by identifying online locations and activities that facilitate radicalization and promote violent extremism.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of May in the year two thousand twenty-two

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor

plication, which shall be sworn, and accompanying supporting documentation, setting forth the facts and circumstances justifying the issuance of a temporary extreme risk protection order when there is probable cause to believe the respondent is likely to engage in conduct that would result in serious harm to himself, herself, or others, as defined in paragraph one or two of subdivision (a) of section 9.39 of the mental hygiene law. Such application and supporting documentation shall be filed in the supreme court in the county in which the respondent resides, in accordance with Article 63-A of the Civil Practice Laws and Rules.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of May in the year two thousand twenty-two

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor

Executive Order No. 19: Directing the State Police to File Extreme Risk Protection Orders.

WHEREAS, violence with firearms remain the most deadly tactic deployed by domestic extremists, with violent white supremacist extremists inspired by “replacement theory” carrying out deadly shootings targeting a Pittsburgh, Pennsylvania synagogue in October 2018; a Poway, California synagogue in April 2019; and an El Paso, Texas Walmart in August 2019;

WHEREAS, 10 people were killed with a semiautomatic rifle equipped with a high-capacity magazine in an act of white supremacist domestic terrorism in a shooting on March 14, 2022 at a Buffalo, NY, supermarket, demonstrating the need for increased vigilance to prevent, whenever possible, similar tragedies from occurring in the future;

WHEREAS, the number of domestic extremist attacks and plots have more than tripled from 2011 to 2021, according to the Center for Strategic and International Studies, with more than “38 white supremacist and other like minded terrorist attacks and plots” in 2021;

WHEREAS, the foregoing requires decisive and immediate action to protect the public from this escalating, frequently occurring threat in the State of New York; and

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

The New York State Police shall ensure that its sworn members are trained and instructed to file an application for an extreme risk protection order in accordance with Article 63-A of the Civil Practice Laws and Rules.

All sworn members of the New York State Police must file an ap-