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**NEW YORK STATE**

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**REGISTER**

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***INSIDE THIS ISSUE:***

- Updates Provisions to Reflect the Enacted Budget Regarding Child Care Assistance Rates and Work Requirements
- COVID-19 Capital Costs Tax Credit Program
- Public Campaign Finance Program

**Notice of Availability of State and Federal Funds**

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

***For notices published in this issue:***

- the 60-day period expires on August 21, 2022
- the 45-day period expires on August 6, 2022
- the 30-day period expires on July 22, 2022

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**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## 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](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

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

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

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

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

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

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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](http://www.dos.ny.gov))

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# RULE MAKING ACTIVITIES

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

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

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## Department of Audit and Control

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

#### To Expand the Hierarchy of Persons Authorized to Establish an ABLÉ Account on Behalf of an Eligible Individual

I.D. No. AAC-25-22-00002-P

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

**Proposed Action:** Amendment of sections 156.2(b)(2), (3) and 156.5 of Title 2 NYCRR.

**Statutory authority:** Mental Hygiene Law, art. 84

**Subject:** To expand the hierarchy of persons authorized to establish an ABLÉ Account on behalf of an eligible individual.

**Purpose:** To conform to Federal regulations.

**Text of proposed rule:** Section 156.2(b)(2) is amended to read as follows:

(2) Account owner means a person who opens an account pursuant to section 529A of the Code. The account owner must be the designated beneficiary of the account, and an account owner may own only one account. [If an eligible individual is unable to establish an account on his or her own behalf, the account may be established on behalf of the eligible individual by his or her agent under a Power of Attorney or by a parent or legal guardian.]

(i) *Establishment of ABLÉ account.* In accordance with federal regulations adopted under section 529A of the Internal Revenue Code, an account may be established by the following persons, in order of priority of authority:

(A) the eligible individual;

(B) a person selected by the eligible individual. If an eligible individual is unable to establish an account on his or her own behalf, the account may be established on behalf of the eligible individual by the following:

(C) the eligible individual's agent under a power of attorney;

(D) the eligible individual's legal guardian;

(E) the eligible individual's spouse;

(F) the eligible individual's parent;

(G) the eligible individual's sibling;

(H) a grandparent of the eligible individual; or

(I) a representative payee appointed for the eligible individual by the Social Security Administration.

(ii) The person seeking to establish an ABLÉ account on behalf of an eligible individual shall certify, under penalty of perjury:

(A) the basis of such person's authority to establish such account; and

(B) that there is no other person with higher priority pursuant to the hierarchy described in (b)(2)(i) above to establish the account.

156.2(b)(3) is amended to read as follows:

(3) Designated beneficiary means, with respect to an account, any individual who is an eligible individual as defined under section 529A(e)(1) of the Code, who establishes an ABLÉ account, is the owner of such account, and whose qualified expenses are expected to be paid from the account. A designated beneficiary shall be a resident of New York State or a resident of a state that does not have a qualified ABLÉ program recognized under section 529A of the Code and such state has entered into a contract with New York State to provide residents of the contracting state with access to New York State's ABLÉ Program.

(i) *Signature authority over account.* In general, the designated beneficiary will have authority over his or her ABLÉ account; however, if an individual other than the designated beneficiary establishes the account pursuant to paragraphs 2(i)(B-I) above, then such individual shall have signature authority and may select a co-signatory. If co-signatories are selected, such co-signatories may act separately or jointly.

(ii) *Successor signature authority.* The designated beneficiary may remove and replace any person with signature authority over such account and may designate a successor to the person with signature authority. If the designated beneficiary does not designate a successor to the person with signature authority, the person with signature authority over the account may designate such a successor, consistent with the order of priority in paragraph (b)(2)(i) above.

(iii) *Change in designated beneficiary.* In accordance with federal regulations adopted under section 529A of the Internal Revenue Code, the designated beneficiary of an account may be changed (A) during the life of the original designated beneficiary, or (B) to take effect upon the death of the original designated beneficiary. If the change in designated beneficiary becomes effective upon the death of the original designated beneficiary, the amount of account assets to be transferred pursuant to such change is first subject to payment of any qualified disability expenses incurred but not paid and to post death payments as defined in section 529A of the Internal Revenue Code and related regulations.

156.5 is amended to read as follows:

Subject to any outstanding payments due for qualified disability expenses, upon the death of the designated beneficiary, all amounts remaining in the qualified ABLÉ account not in excess of the amount equal to the total medical assistance paid for the designated beneficiary after the establishment of the account, net of any premiums paid from the account or paid by or on behalf of the beneficiary to the State's Medicaid Buy-In or Medicare Savings programs, shall be distributed to the State upon the filing of a claim for payment by the State. For the purposes of this section, the State shall be a creditor of the account and not a beneficiary. Any amount remaining in the qualified ABLÉ account after any state recovery will become part of the designated beneficiary's estate or may be transferred to a successor designated beneficiary, if such a successor has been named to take effect upon the death of the original designated beneficiary, in accor-

dance with federal regulations adopted under section 529A of the Internal Revenue Code.

**Text of proposed rule and any required statements and analyses may be obtained from:** Marcella Buell, Office of the State Comptroller, 110 State Street, Albany, New York, (518) 455-4138, email: mbuell@osc.ny.gov

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

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

#### **Regulatory Impact Statement**

1. **Statutory Authority:** The amendments to the rules are authorized under section 84.05 of the Mental Hygiene Law. Section 84.05 of the Mental Hygiene Law directs the Comptroller to establish a New York Achieving a Better Life Experience (NY ABLE) account plan for all eligible individuals and families for the purpose of supporting individuals with disabilities to maintain health, independence and quality of life, and authorizes the Comptroller to promulgate any and all rules and regulations necessary for the implementation of Article 84 in consultation with Commissioners of the following agencies: Office for People With Developmental Disabilities, Office of Mental Health, Department of Health and Office of Temporary and Disability Assistance.

2. **Legislative Objectives:** The NY ABLE Program was enacted by the Legislature for the purpose of enabling residents of New York State to benefit from the tax incentive and other benefits provided for qualified disability expenses under section 529A of the Internal Revenue Code (Code). The Comptroller is required to implement the NY ABLE Program as a "qualified ABLE program" under section 529A of the Code, and to make changes to the Program required for participants to obtain the tax and other benefits provided thereunder. The amendments to the rules will authorize the Comptroller to implement changes to the NY ABLE Program in conformance with the final regulations adopted by the U.S. Department of the Treasury under Code section 529A. The final federal regulations adopted under Section 529A authorize but do not require the changes being implemented.

3. **Needs and Benefits:** The NY ABLE Program, as a qualified ABLE program, is intended to encourage and assist individuals and families in saving private funds for the purpose of supporting individuals with disabilities, as defined by the Code, to maintain health, independence, and quality of life. The Program is also intended to provide secure funding for disability-related expenses on behalf of designated beneficiaries with intellectual, developmental or other disabilities that will supplement, but not supplant, benefits provided through existing sources (e.g., SSI, Medicaid, etc.). The proposed amendments to the rules will offer Program account owners and their families added flexibility in the administration of NY ABLE accounts.

4. **Costs:** No additional administrative costs to the State Comptroller's Office are anticipated for the implementation of proposed amendments to the rules.

The Comptroller has entered into a Management Agreement with a third party to administer and oversee the day to day operations of the NY ABLE Program. Any administrative costs to implement the amendments to the rules will be borne by this program manager and are expected to be nominal.

5. **Local Government Mandates:** Not applicable.

6. **Paperwork:** No additional paperwork will be required as a result of this rule.

7. **Duplication:** None.

8. **Alternatives:** The alternative course considered was to maintain the current administrative options offered to Program account owners and their families. After conferring with representatives of the above-mentioned agencies, a decision was made to implement the changes to ABLE program administration authorized in regulations adopted by the U.S. Department of the Treasury.

9. **Federal Standards:** This rule is informed by and conforms to section 529A of the Internal Revenue Code, which authorized states to enact "qualified ABLE programs" to enable residents to benefit from federal tax incentives.

10. **Compliance Schedule:** Amendments to the rules will be implemented as soon as practicable following adoption.

#### **Regulatory Flexibility Analysis**

1. **Effect of rule:** The amendments to the rules will authorize the Comptroller to implement changes to the NY ABLE Program in conformance with the final regulations adopted by the U.S. Department of the Treasury under Internal Revenue Code section 529A. The Program is implemented and operated at the State level and does not have any impact on small businesses or local governments.

2. **Compliance requirements:** The proposed amendments to the rules are not expected to impose any compliance requirements on either small businesses or local governments.

3. **Professional services:** There are no professional services that a small business or local government will likely need to comply with the rule.

4. **Compliance costs:** There are no initial capital costs or annual costs for small businesses or local governments to comply with these rules.

5. **Economic and technological feasibility:** Since there are no compliance costs imposed upon small businesses or local governments there is no need to conduct an assessment of the economic feasibility of compliance with such rule.

6. **Minimizing adverse impact:** No adverse impact is anticipated for small businesses or local governments as a result of this rule. Accordingly, none of the approaches for minimizing adverse economic impact suggested in SAPA section 202-b (1) were considered.

7. **Small business and local government participation:** In order to ensure small businesses and local governments have an opportunity to participate in the rule making process, the text of the proposed rule will be published in the New York State Register.

#### **Rural Area Flexibility Analysis**

This action will not impose any adverse economic impact, reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

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## Office of Children and Family Services

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### EMERGENCY RULE MAKING

#### **Updates Provisions to Reflect the Enacted Budget Regarding Child Care Assistance Rates and Work Requirements**

**I.D. No.** CFS-25-22-00001-E

**Filing No.** 405

**Filing Date:** 2022-06-01

**Effective Date:** 2022-06-01

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

**Action taken:** Amendment of sections 415.2 and 415.9 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20(3)(d), 34(3)(f), 410-u, 410-w(1)(d) and 410-x(4); L. 2022, ch. 53

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

**Specific reasons underlying the finding of necessity:** The adoption of these regulations on an emergency basis is necessary to protect the health, safety and welfare of families and children receiving subsidized child care in New York State. Federal statute, section 658E(c)(4)(A) of the Child Care and Development Block Grant Act, and federal regulation, 45 CFR 98.45(a), require that the State establish payment rates for federally-funded child care subsidies that are sufficient to ensure equal access for eligible children.

The market rates that are being replaced are based on a survey conducted in 2018 and as a result, continuing to maintain the existing rates could result in subsidized families losing equal access for eligible children to child care arrangements, or being unable to find appropriate child care. This rulemaking also codifies the recent revision to Social Services Law that expands access to child care assistance by removing the work requirement for those receiving such assistance to attend a post-secondary education program.

**Subject:** Updates provisions to reflect the enacted budget regarding child care assistance rates and work requirements.

**Purpose:** To update provisions on child care assistance funded under the NYS Child Care Block Grant and Social Services Block Grant.

**Text of emergency rule:** Subparagraph (iv) of paragraph (3) of subdivision (a) of section 415.2 of Title 18 NYCRR is amended to read as follows:

(iv) a family is receiving public assistance or has income up to 200 percent of the State income standard and child care services are needed for the child's caretaker to attend a two- year program other than one with a specific vocational sequence leading to an associate's degree or a certificate of completion, or a four year college or university program leading to a bachelor's degree provided:

(a) the program is reasonably expected to improve the earning capacity of the caretaker; *and*



(b) the caretaker is and continues to participate in non-subsidized employment whereby the caretaker works at least 17 1/2 hours per week and earns wages at a level equal to or greater than the minimum amount required under Federal and State Labor Law while pursuing the course of study; and]

(c) the caretaker can demonstrate his or her ability to successfully complete the course of study;

Subdivisions (a) through (i) of section 415.9 of Title 18 NYCRR are amended to read as follows:

A social services district has the option to apply the weekly or daily rate, except as provided below, when care is provided for 30 or more hours per week on five or less days. When care is provided for less than 30 hours per week, the daily[, ] or part-day [or hourly ] rates must be applied, as applicable.

(a)...

(b)...

(c) Part-day rates must be applied when the child care services are provided for [at least three but ] less than six hours per day. [Part-day rates also must be applied for children who are attending pre-kindergarten, kindergarten or higher grade and who are provided care before and/or after school for less than three hours per day by day care centers or school-age child care programs that do not charge on an hourly basis.

(d) With the exception noted in subdivision (c) of this section, the hourly rates in this section must be applied when child care services are provided for less than three hours per day.

(e)(d) ....

(f)(e) ....

(g) The rate of payment for child care services provided to a child determined to have special needs is the actual cost of care up to the statewide limit of the highest weekly, daily, part-day or hourly market rate for child care services in the State, as applicable, based on the amount of time the child care services are provided per week regardless of the type of child care provider used or the age of the child.

(h)(f) ....

(i)(g) ....

Subdivisions (h) and (i) of section 415.9 of Title 18 NYCRR are repealed and replaced as follows:

(h) *Establishment of market rates.*

(1) *The Office will establish local market rates for child care services for each social services district set forth by the type of provider, the age of the child and the amount of time the child care services are provided per week.*

(2) *There are two market rates for informal child care, a standard market rate and an enhanced market rate. The standard market rate for informal child care will be 65 percent of the applicable registered family day care market rate. The enhanced market rate for informal child care will be 70 percent of the applicable registered family day care market rate. The enhanced market rate will apply to those informal child care providers who have provided notice to, and have been verified by, the applicable enrollment agency as having completed 10 or more hours of training annually in the areas set forth in section 390-a(3)(b) of the Social Services Law. This 10 or more hours of training must be in addition to the training requirements in section 415.13 of this Part. A social services district has the option, if it so chooses in the child care portion of its Child and Family Services Plan, to increase the enhanced market rate for informal child care providers to up to 75 percent of the applicable registered family day care market rate.*

(3) *The social services district must use the most recent market rates established by the Office when calculating payments for child care services. The market rates are established by the Office at no less than the eightieth percentile of the most recent market-related survey.*

(4) *The market rate for child care services provided to a child determined to have special needs, pursuant to subdivision 415.1(c) of this Part, is a percentage specified by the office applied to the rates set under paragraph 415.9(h)(3) of this Part. The special needs rate will only be applied if the parent demonstrates the special needs of the child require child care related services of a type or amount beyond that which is generally required by children of similar age, and the total cost of providing child care services exceeds the rates set in paragraph 415.9(h)(3) of this Part.*

(i) *When a social services district pays for child care services provided by an eligible provider located in another district, the applicable market rate is the rate for the district in which the child care provider is located.*

**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 August 29, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Lisa Vasnani, Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, (518) 474-8310, email: regcomments@ocfs.ny.gov

### Regulatory Impact Statement

1. Statutory authority:

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

Section 34(3)(f) of SSL authorizes the Commissioner of the Office to establish regulations for the administration of public assistance and care within the state.

Section 410-u of the SSL establishes the New York State Child Care Block Grant.

Section 410-w(1)(d) of the SSL governs eligibility for low-income families attending post secondary educational programs.

Section 410-x(4) of the SSL requires the Office to establish, in regulation, the applicable market-related payment rates for payments made under the New York Child Care Block Grant. Such rates must be sufficient to ensure equal access for eligible children to comparable child care assistance to children whose parents are not eligible to receive child care assistance.

Chapter 53 of the Laws of 2022 requires that the market rate for child care assistance payments be increased to the eightieth percentile. Chapter 56 of the Laws of 2022 requires the elimination of work requirements for persons also attending higher education.

42 U.S.C. § 9858c(c)(4)(A) and federal regulation, 45 CFR § 98.45(a) require that the state establish payment rates for federally funded child care assistance that are sufficient to ensure such equal access to care that is provided to children whose parents/caretakers are not eligible to receive assistance under federal or state programs.

Federal regulation 45 CFR 98.45(f)(2)(i) requires that payment rates be based on a local market survey conducted no earlier than two years prior to the effective date of the currently approved state plan for the Child Care and Development Fund (CCDF).

Federal regulation 45 CFR § 98.45(l)(3)(i) requires that payment practices reflect generally accepted payment practices of child care providers that serve children who do not receive CCDF subsidies, including paying on a part-time or full-time basis, rather than paying for hours of service or smaller increments of time.

2. Legislative objectives:

This rule implements statutory requirements pursuant to the New York State Fiscal Year 2022-2023 Enacted Budget (Chapters 56 and 53 of the Laws of 2022) related to increasing the market rate to the eightieth percentile. The intent is to have child care assistance payment rates that reflect market conditions and that are adequate to enable families in receipt of child care assistance to access child care services comparable to other families not in receipt of a child care subsidy. Further eliminating hourly rate ensures compliance with 45 CFR 98.45(l)(3)(i) which requires payment on a full-time or part-time basis, rather than paying for smaller increments of time.

This rule also removes the 17.5-hour per week work requirement for families receiving child care assistance while pursuing post-secondary education in accordance with SSL 410-w(1)(d) as amended by Chapter 56 of the Laws of 2022. This will allow further flexibility for social services districts. Additionally, the removal of this requirement will allow parents to focus on their educational goals, which will promote greater self-sufficiency.

3. Needs and benefits:

This rule is necessary to comply with Chapter 53 of the Laws of 2022, which requires that the market rate for child care assistance payments be increased to the eightieth percentile. Increasing the market rate for child care assistance will aid in stabilizing the child care market, and allow families in receipt of child care assistance access to care comparable to families not in receipt of child care assistance.

The state is required under federal regulation 45 CFR 98.45(f)(2)(i) to adjust child care payment rates with each new State Plan based on a current survey of providers. The State Plan for the period October 1, 2021, through September 30, 2024, has been conditionally approved by the federal government. These regulations are needed to adjust existing rates that were established based on a survey completed in 2018. A more recent survey of providers was conducted by OCFS in 2022. Prior to conducting the 2022 survey, the composition of the county cluster groups was reassessed using the 2018 market rate survey data. No changes were made to the county cluster groups from 2018. The data was analyzed to establish market rates for child care subsidy at the 80th percentile of the prices reported by providers on the 2022 market rate survey, conducted by the OCFS Human Service Call Center. The reported rates were clustered into five distinct groupings of counties based on similarities in rates among the counties in each group. The rates established for each cluster of counties are based on the prices that were reported in the survey. Adjustments to the child care assistance program market rates reflect the market place and provide access comparable to the access of families not receiving a child care subsidy, which is required by federal and state law.

This rule is also necessary to comply with SSL 410-w(1)(d) as amended by Chapter 56 of the Laws of 2022 which removes the 17.5-hour per week work requirement for families receiving child care assistance while pursuing post-secondary education. Removal of this requirement can lead to greater success in the completion of a degree program for those families in receipt of child care assistance and would lead to more opportunities for such families to obtain long term employment in the communities in which they reside.

This rule is additionally necessary to remove hourly rates in accordance with 45 CFR 98.45(1)(3)(i) which requires payment on a full-time or part-time basis, rather than paying for smaller increments of time. With this amendment, a social service district will have the ability to apply a weekly, daily, or part-day rate as applicable. The definition of part-day rate will be amended to apply when child care assistance is provided for less than six hours per day.

Finally, this rule is necessary to amend the rate of payment for child care assistance provided to a child determined to have special needs. This amendment is necessary to ensure equity of practice, so that all families benefit equally from the policy. This will also allow approval for a special needs rate to be associated with the child, rather than with a specific provider. This will decrease the documentation burden on providers, as they will no longer be required to submit specific documentation to demonstrate their increased cost of providing child care services for a child with special needs.

#### 4. Costs:

Under section 410-v(2) of the SSL, the state is responsible for reimbursing social services districts for seventy-five percent (75%) of the costs of providing subsidized child care services to public assistance recipients, and social services districts are responsible for the other twenty-five percent (25%) of such costs. The state is responsible for reimbursing social services districts for one hundred percent (100%) of the costs of providing child care services to other eligible low-income families. The state reimbursement for these child care services is made from the state and/or federal funds allocated to the New York State Child Care Block Grant and is limited on an annual basis in each social services district to that district's New York State Child Care Block Grant allocation for that year.

Under the New York State Budget for SFY 2022-2023, social services districts will receive allocations totaling \$894.6 million in federal and state funds under the New York State Child Care Block Grant. These allocations are in addition to \$548.8 million in available rollover of unspent funds from SFY 2020-21 and \$609 million in federal pandemic funding, which will support subsidy expansion in both SFY 2022-23 and SFY 2023-24. Social services districts have the option to transfer a portion of their Flexible Fund for Family Services allocations to the New York State Child Care Block Grant to supplement their Block Grant allocations. Social services districts may use block grant funds to serve the optional category of eligible individuals set forth in these regulations.

The special needs rate will be provided as a percentage set forth by the office that is applied to the rates set forth under 18 NYCRR 415.9(h)(3). State reimbursement to localities will be consistent with the reimbursement described above. It is unknown what the cumulative cost will be as the special needs rate, as it currently is structured, is underutilized.

The removal of hourly rates will increase spending in limited circumstances. The hourly rate is currently only utilized in situations where care is provided to a child for less than three hours per day and less than 30 hours per week, or when care is provided for more than 12, but less than 15 hours per day. The part-day rate is already utilized when care is provided before or after school for less than three hours per day by day care centers or school-aged child care centers that do not charge on an hourly basis. Additionally, hourly rates are not used in calculating fiscal estimates and are not utilized by New York City.

#### 5. Local government mandates:

Social services districts will be required to make payments for subsidized child care services as authorized in regulation. Social services districts will need to review cases to determine whether the payments reflect applicable market rate. Payment adjustments will have to be made, as appropriate.

#### 6. Paperwork:

Social services districts will need to process any required payment adjustments after conducting the necessary case reviews.

Districts that elect to provide child care assistance for a caretaker in receipt of temporary assistance or that has income up to 200 percent to participate in a two-year college or four-year college program that leads to a degree must review and, if necessary, amend their Child and Family Services Plan to reflect the removal of the 17.5-hour work requirement.

#### 7. Duplication:

The new requirements do not duplicate any existing state or federal requirements.

#### 8. Federal standards:

The regulations are consistent with applicable federal regulations, 45

CFR 98.45(a) and (f)(2)(i) which require that the state establish payment rates that are sufficient to ensure equal access to comparable care received by unsubsidized families, and be based on a survey of providers. 45 CFR 98.45(1)(3)(i) requires that payment practices reflect generally accepted payment practices of child care providers that serve children who do not receive CCDF subsidies, including paying on a part-time or full-time basis rather than paying for hours of service or smaller increments of time.

#### 9. Compliance schedule:

These provisions must be effective on June 1, 2022.

#### 10. Alternative approaches:

No alternative approaches were considered since federal regulation requires that payment rates be based on a local market rate survey.

### **Regulatory Flexibility Analysis**

#### 1. Effect of rule:

There are approximately 15,000 licensed/registered child care programs, 2,100 permitted group day care programs, and 6,000 enrolled legally exempt child care programs in New York State, and 58 social services districts affected by this rule.

#### 2. Compliance requirements:

All 58 social services districts will be required to continue making payments for child care assistance based on the applicable market rates. Social services districts will need to review all cases to determine whether the payments reflect the applicable market rate increases and changes to the special needs rate. Payment adjustments will have to be made, as appropriate.

Districts that elect to provide child care assistance for a caretaker in receipt of temporary assistance or that has income up to 200 percent of the state income standard to participate in a two-year college or four-year college program that leads to a degree must review and, if necessary, amend their Child and Family Services Plan to reflect the removal of the 17.5-hour work requirement.

#### 3. Professional services:

Neither social services districts nor child care providers should have to hire additional professional staff in order to implement these regulations.

#### 4. Compliance costs:

Under section 410-v(2) of the Social Services Law, the state is responsible for reimbursing social services districts for seventy-five percent (75%) of the costs of providing subsidized child care services to public assistance recipients; social services districts are responsible for the other twenty-five percent (25%) of such costs. In addition, the state is responsible for reimbursing social services districts for one hundred percent (100%) of the costs of providing child care services to other eligible low-income families. The state reimbursement for these child care services is made from the state and/or federal funds allocated to the New York State Child Care Block Grant, and is limited in each district to that district's New York State Child Care Block Grant allocation for that year.

Under the State Budget for SFY 2022-2023, social services districts will receive allocations totaling \$894.6 million in federal and state funds under the New York State Child Care Block Grant. These allocations are in addition to \$548.8 million in available rollover of unspent funds from SFY 2020-21 and \$609 million in federal pandemic funding, which will support subsidy expansion in both SFY 2022-23 and SFY 2023-24. Social services districts have the option to transfer a portion of their Flexible Fund for Family Services allocations to the New York State Child Care Block Grant to supplement their Block Grant allocations.

The special needs rate will be provided as a percentage set forth by the office that is applied to the rates set forth under 18 NYCRR 415.9(h)(3). State reimbursement to localities will be consistent with the reimbursement described above. It is unknown what the cumulative cost will be as the special needs rate, as it currently is structured, is underutilized.

The removal of hourly rates will increase spending in limited circumstances. The hourly rate is currently only utilized in situations where care is provided to a child for less than three hours per day and less than 30 hours per week, or when care is provided for more than 12, but less than 15 hours per day. The part-day rate is already utilized when care is provided before or after school for less than three hours per day by day care centers or school-aged child care centers that do not charge on an hourly basis.

#### 5. Economic and technological feasibility:

The child care providers and social services districts affected by the regulations have the economic and technological ability to comply with the regulations.

#### 6. Minimizing adverse impact:

OCFS believes there will be minimal adverse impact associated with implementing this rule. The market rates were developed in accordance with federal guidelines for conducting a market rate survey of child care providers, using standard statistical methodology, to minimize adverse impact. Approximately 4,500 licensed and registered child care providers (including New York City permitted group day care programs) completed the survey. Prior to conducting the 2022 survey, the composition of the

county cluster groups was reassessed using the 2018 market rate survey data. No changes were made to the county cluster groups from 2018. The data was analyzed to establish market rates for child care subsidy at the 80th percentile of the prices reported by providers on the 2022 market rate survey. The reported rates were clustered into five distinct groupings of counties based on similarities in rates among the counties in each group. The rates established for each cluster of counties are based on the prices that were reported in the survey. Adjustments to the child care assistance program market rates reflect the market place and provide access comparable to the access of families not receiving a child care subsidy.

Adjustments to the child care assistance market rates reflect the current child care market place. These rate adjustments provide comparable access for families receiving child care assistance to those families not receiving child care assistance, as required by federal and state laws. The adjustments in the market rates will enable social services districts to provide temporary assistance (TA) recipients and low-income families receiving subsidized child care services with access to child care providers. This will enable temporary assistance and low-income families to work, thereby reducing the number of families in need of TA. It also should assist the districts in meeting their federal participation rates for TA recipients because there should be a reduction in the number of TA recipients who are excused from work activities due to a lack of child care.

The standard rates for informal child care providers are sixty-five percent (65%) of the applicable rates for registered family day care. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a registered family day care provider. The enhanced rates for informal child care providers are seventy percent (70%) of the applicable rates for registered family day care. The additional five percent (5%) provides an incentive to informal child care providers to pursue a minimum of 10 hours of approved training. Additionally, the regulation allows local social services districts, which so choose in their Child and Family Services Plans, to increase the enhanced rate up to seventy-five percent (75%) of the applicable registered family day care rate.

The rates for legally exempt group child care are seventy-five percent (75%) of the rates for day care centers. This differential reflects the higher costs associated with meeting the higher regulatory standards to become a licensed day care center. Additionally, the regulation allows local social services districts, which so choose in their Child and Family Services Plans, to establish one or two enhanced rates for eligible legally exempt group child care programs, each of which may be up to eighty-one percent (81%) of the applicable day care center rate.

Removal of the hourly rates for child care assistance will provide social services districts with the ability to apply a weekly, daily, or part-day rate, as applicable. The definition of part-day rate will be amended to apply when child care assistance is provided for less than six hours per day. The number of cases that will be affected by the removal of the hourly rate will be minimal. By removing the hourly rate within regulation, OCFS will become compliant with federal regulation 45 CFR 98.45(l)(3)(i) that requires payment practices reflect generally-accepted payment practices of child care providers that serve children who do not receive Child Care Development Fund subsidies, including paying on a part-time or full-time basis, rather than paying for hours of service or smaller increments of time.

The amendment to the rate of payment for child care assistance provided to a child determined to have special needs will provide families receiving child care assistance with greater access to child care services. This rate is a percentage specified by the office that is applied to the rates set forth under 18 NYCRR 415.9(h)(3). The parent must demonstrate that the special needs of the child result in an additional child care-related service beyond what is generally required by children of a similar age and the total cost of providing child care services exceeds the applicable market rate. Recently, OCFS has conducted numerous calls with local districts where several districts have indicated that the providers in their communities are not willing to provide care for children with special needs who are receiving child care assistance. With these changes to the rate of payment for children determined to be special needs and amending the requirements to allow for the parent and/or caretaker to submit documentation with the provider, a provider may be more willing to provide care for this population and will allow for greater access to child care services for these children. This amendment will more closely associate the special needs rate with the child, rather than with a specific provider.

#### 7. Small business and local government participation:

In accordance with federal regulatory requirements, OCFS conducted a market rate survey of licensed/registered child care providers from across the state, in all modalities of care, and serving children of different ages. Prior to conducting the survey, a letter was sent to all regulated child care providers to inform them that they might be contacted to participate in the market rate survey. A copy of the survey questions was also sent so that

providers could prepare responses. The Human Services Call Center conducted the survey by telephone and online, on behalf of OCFS. Surveys were conducted in English and in Spanish, as needed, with resources available to assist providers in other languages, if needed, as well. Rate data was collected from approximately 4,500 providers and that information formed the basis for the updated market rates.

OCFS has also conducted district calls with social services districts where many district staff vocalized support of new market rates and the need for a modification on how the special needs rate is applied to child care assistance cases. OCFS will provide guidance, technical assistance, and outreach to those that are impacted by this rule. Specifically, OCFS will assist social services districts that need to update their Child and Family Services Plan to reflect the removal of the 17.5-hour work requirement listed in Appendix L. OCFS will send notice of this rule via email to all child care programs for which it has valid email addresses and post this information on the OCFS child care website. This will include the contact information of someone in OCFS to answer questions on this rule and the email address of the regulations' mailbox ([regcomments@ocfs.ny.gov](mailto:regcomments@ocfs.ny.gov)) to provide public comments.

#### Rural Area Flexibility Analysis

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

The regulations will affect the 44 social services districts located in rural areas of the state and the child care providers located in those social services districts.

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

The regulations will not result in any new reporting or recordkeeping requirements for social services districts. Social services districts will be required to make payments for child care assistance based on the new market rates. Social services districts will need to review cases to determine if the payments reflect the appropriate market rate. The removal of hourly rates will simplify payment processes for districts. Additionally, changing the special needs rate to a percentage set forth by the office that is applied to the rates set forth under 18 NYCRR 415.9(h)(3), will decrease the documentation burden on providers, as they will no longer be required to submit specific documentation to demonstrate their increase cost of providing child care services for a child with special needs. Further, the removal of the caretaker work requirement while attending a two-year college or four-year college program that leads to a degree will reduce recordkeeping requirements for social services districts and families. Neither social services districts nor child care providers should have to hire additional professional staff in order to implement these regulations.

##### 3. Costs:

The Office of Children and Family Services (OCFS) does not anticipate any disproportionate cost to local social services districts in rural areas of the state as a result of this rule.

Under section 410-v(2) of the Social Services Law, the state is responsible for reimbursing social services districts for seventy-five percent (75%) of the costs of providing subsidized child care services to public assistance recipients and social services districts are responsible for the other twenty-five percent (25%) of such costs. The state is responsible for reimbursing social services districts for one hundred percent (100%) of the costs of providing child care services to other eligible low-income families. The state reimbursement for these child care services is made from the state and/or federal funds allocated to the New York State Child Care Block Grant and is limited on an annual basis in each social services district to that social services district's New York State Child Care Block Grant allocation for that year.

Under the New York State Enacted Budget for State Fiscal Year 2022-2023, social services districts will receive allocations totaling \$894.6 million in federal and state funds under the New York State Child Care Block Grant. These allocations are in addition to \$548.8 million in available rollover of unspent funds from SFY 2020-21 and \$609 million in federal pandemic funding which will support subsidy expansion in both SFY 2022-23 and SFY 2023-24. Social services districts have the option to transfer a portion of their Flexible Fund for Family Services allocations to the New York State Child Care Block Grant to supplement their New York State Child Care Block Grant allocations.

The special needs rate will be provided as an additional percentage above the applicable market rate as determined by OCFS. State reimbursement to localities will be consistent with the reimbursement described above. It is unknown what the cumulative cost will be as the special needs rate as it currently is structured is underutilized.

The removal of hourly rates will increase spending in limited circumstances. The hourly rate is currently only utilized in situations where care is provided to a child for less than three hours per day and less than 30 hours per week, or when care is provided for more than 12, but less than 15 hours per day. The part-day rate is already utilized when care is provided before or after school for less than three hours per day by day care centers or school-aged child care centers that do not charge on an hourly basis.

## 4. Minimizing adverse impact:

OCFS does not anticipate any disproportionate adverse impact to local social services districts in rural areas of the state as a result of this rule. OCFS does not anticipate any adverse impact to providers in rural areas of the state as a result of this rule.

The market rates were developed in accordance with federal guidelines for conducting a market rate survey of child care providers, using standard statistical methodology, to minimize adverse impact. Approximately 4,500 licensed and registered child care providers (including New York City permitted group day care programs) completed the survey. The data was analyzed to establish the market rates at the 80th percentile of the prices reported by providers on the survey. The market rates are different for each of five distinct groupings of counties that were created based on similarities in rates among the counties in each group. The rates established for each cluster of counties are based on the actual costs of care that were reported in the survey. Adjustments to the child care market rates reflect changes in the market place and provide access for families receiving child care assistance comparable to those families not receiving child care assistance.

Adjustments to the child care market rates reflect the results of a survey of providers that was conducted from September 2021 to March 2022. These rate adjustments reflect the marketplace and provide comparable access for families receiving child care assistance as for those families not receiving child care assistance, as is required by federal and state laws.

## 5. Rural area participation:

Federal regulation 45 CFR 98.45(f)(2)(i) requires that payment rates be based on a local market survey conducted no earlier than two years prior to the effective date of the currently approved State Plan for the Child Care and Development Fund. In accordance with federal regulatory requirements, OCFS conducted a market rate survey of licensed/registered child care providers from across the state, in all modalities of care, and serving children of different ages. Prior to conducting the survey, a letter was sent to all regulated child care providers to inform them that they might be contacted to participate in the market rate survey. A copy of the survey questions was also sent so that providers could prepare responses. The Human Services Call Center conducted the survey by telephone and online, on behalf of OCFS. Surveys were conducted in English and in Spanish, as needed, with resources available to assist providers in other languages, if needed, as well. Rate data was collected from approximately 4,500 providers and that information formed the basis for the updated market rates.

**Job Impact Statement**

## 1. Nature of Impact:

The New York State Office of Children and Family Services (OCFS) does not anticipate that this rule will have a negative impact on employment opportunities in any region of the state. Increasing the market rate for child care assistance will aid in stabilizing the child care market, thus allowing for the retention and creation of jobs in the child care sector. This rule also removes the requirement that a parent or caretaker receiving child care assistance to attend post-secondary education programs work a minimum of 17.5 hours per week. OCFS does not anticipate that this rule will have a negative impact on employment opportunities in any region of the state. This change will provide more opportunity for community employment growth when the child care assistance recipient has obtained a degree and is entering the workforce.

## 2. Categories and Numbers Affected:

It is estimated that there are approximately 15,000 licensed/registered child care programs, 2,100 permitted group day care programs, and 6,000 enrolled legally exempt child care programs in New York State, and 58 social services districts.

## 3. Regions of Adverse Impact:

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

## 4. Minimizing Adverse Impact:

OCFS does not anticipate an adverse impact.

## Department of Economic Development

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

**COVID-19 Capital Costs Tax Credit Program**

**I.D. No.** EDV-25-22-00003-EP

**Filing No.** 407

**Filing Date:** 2022-06-06

**Effective Date:** 2022-06-06

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

**Proposed Action:** Addition of Part 290 to Title 5 NYCRR.

**Statutory authority:** L. 2022, ch. 59, part E

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

**Specific reasons underlying the finding of necessity:** The COVID-19 Capital Cost Tax Credit Program was enacted in response to the acute, and devastating impact of the COVID-19 pandemic on small businesses throughout New York State, and the additional costs these businesses have and continue to incur in order to comply with public health or other emergency orders or regulations, and to take infectious disease mitigation measures related to the COVID-19 pandemic such as retrofits, renovations, machinery and equipment, and materials and supplies related to COVID safety enhancements. The COVID-19 Capital Costs Tax Credit Program is created to provide financial assistance to small businesses to offer relief and reduce the duration and severity of the current economic difficulties.

There are over 350,000 businesses in the State that meet the Program criteria of being independently owned with less than \$2.5 million in gross receipts that could qualify for financial assistance. The sheer volume of potential applicants and the need to review receipts to verify qualified costs will present a challenge to effectively disburse tax credits in a timely manner and help alleviate the cash crunch created by these unanticipated and burdensome expenses.

These regulations must be promulgated immediately so that the Department of Economic Development can launch the Program and begin accepting applications in time for eligible small businesses to be reviewed, costs verified and tax credit certificates issued before filing their 2022 tax returns in early 2023. 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:** COVID-19 Capital Costs Tax Credit program.

**Purpose:** To create the administrative process for the program.

**Substance of emergency/proposed rule (Full text is posted at the following State website: [esd.ny.gov](http://esd.ny.gov)):** The regulation contained in 5 NYCRR Part 290 governs the newly created COVID 19 Capital Costs Tax Credit program and is summarized as follows:

The regulation begins by defining a host of key terms necessary to implement the tax credit program. These include, but are not limited to, the following:

(1) "authorized applicant;" (2) "certificate of tax credit;" (3) "proof of expense;" (4) "qualified COVID-19 capital costs" and (5) "third-party reviewer."

Next, the regulation sets forth the application and review process for the program. The Department's administrative process requires a business entity to complete a preliminary authorization form before submitting a full application. Upon receipt of this, the Department will verify that the business entity does not owe past due state taxes.

Upon verification that a business entity is in good standing as noted above, the Department will notify the applicant and Third-Party Reviewer that the business entity is an authorized applicant.

The Third-Party Reviewer will then ensure that the following criteria are met:

(i) the application is complete;  
(ii) the applicant provided evidence of their business eligibility in a form and manner prescribed by the Department;  
(iii) the applicant agreed to allow the Department of Taxation and Finance to share the applicant's tax information with the Department.

(iv) the applicant agreed to allow the Department of Labor to share its tax and employer information with the Department.

(v) the applicant agreed to allow the Department and its agents access to any and all books and records the Department may require to monitor compliance;

(vi) the applicant certified, under penalty of perjury, that it is in substantial compliance with all emergency orders or public health regulations currently required of such entity and does not owe past due state taxes or local property taxes unless the business entity is making payments and complying with an approved binding payment agreement entered into with the taxing authority; and

(vii) the applicant agreed to provide any additional information required by the Department relevant to this program.

After determining that the applicant meets the program's eligibility criteria set forth below, the Department may admit the applicant into the Program and issue them a certificate of tax credit. The regulation also notes that for authorized applicants that are accepted into the Program, credits will be allocated based upon the date a completed application is submitted.

The regulation next outlines eligibility for the program. To be eligible for the credit, an applicant must: (1) be a small business and have two million five hundred thousand dollars or less of gross receipts in the taxable year in New York State that includes December thirty-first, two thousand twenty-one; (2) operate a business location in New York state; and (3) have at least two thousand dollars (\$2,000) in qualified COVID-19 capital costs. A business entity must also be in substantial compliance with any public health or other emergency orders or regulations related to the entity's business sector or other laws and regulations as determined by the department. In addition, a business entity may not owe past due state taxes or local property taxes unless the business entity is making payments and complying with an approved binding payment agreement entered into with the taxing authority.

Next the regulations outline the calculation of the credit and note that it is equal to fifty percent (50%) of its qualified COVID-19 capital costs. Importantly, a business entity may not receive in excess of twenty-five thousand dollars (\$25,000) in credits under this program; and shall not receive a credit less than one thousand (\$1,000) dollars.

The regulation then contains a section on retention and reporting requirements as well as a section on removal from the program. The regulation concludes by stating that the total amount of tax credits listed on certificates of tax credit issued by the commissioner pursuant to this program may not exceed two hundred fifty million (\$250,000,000) dollars.

**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 September 3, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Thomas P. Regan, NYS 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:**

Section 1 of Part E of Chapter 59 of the Laws of 2022 required the Commissioner of the Department of Economic Development (the "Department") to promulgate regulations establishing the application process and eligibility criteria for the COVID 19 Capital Costs Tax Credit Program.

##### **LEGISLATIVE OBJECTIVES:**

The proposed/emergency rule gives effect to the intention of the legislature to provide critical assistance to small businesses to comply with public health or other emergency orders or regulations, and to take infectious disease mitigation measures related to the COVID-19 pandemic. The COVID-19 Capital Costs Tax Credit Program is created to provide financial assistance to economically harmed businesses to offer relief and reduce the duration and severity of the current economic difficulties.

##### **NEEDS AND BENEFITS:**

The proposed/emergency rule is necessary in order to create the administrative process for the COVID-19 Capital Costs Tax Credit Program as outlined below.

The COVID-19 Capital Cost Tax Credit Program was enacted in response to the acute, and devastating impact of the COVID-19 pandemic on small businesses throughout New York State, and the additional costs these businesses have and continue to incur in order to comply with public health or other emergency orders or regulations, and infectious disease mitigation measures related to the COVID-19 pandemic such as retrofits, renovations, machinery and equipment, and materials and supplies related to COVID safety enhancements. The COVID-19 Capital Costs Tax Credit Program is created to provide financial assistance to small businesses to

offer relief and reduce the duration and severity of the current economic difficulties. It creates a tax credit equal to 50% of its qualified COVID-19 capital costs. Importantly, a business entity may not receive in excess of twenty-five thousand dollars (\$25,000) in credits under this program; and shall not receive a credit less than one thousand (\$1,000) dollars.

There are over 350,000 businesses in the State that meet the Program criteria of being independently owned with less than \$2.5 million in gross receipts that could qualify for financial assistance. The sheer volume of potential applicants and the need to review receipts to verify qualified costs will present a challenge to effectively disburse tax credits in a timely manner and help alleviate the cash crunch created by these unanticipated and burdensome expenses.

These regulations must be promulgated immediately so that the Department of Economic Development can launch the Program and begin accepting applications in time for eligible small businesses to be reviewed, costs verified and tax credit certificates issued before filing their 2022 tax returns in early 2023.

##### **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, other than those listed in section III below.

III. Costs to the State government: Given the large expected volume of the program applicants, the Department will need to contract with an outside vendor to assist in running the program. The cost will depend on the number of applications received. A key requirement for bidders will be to provide quotes that allow for a minimum fixed bid price and a variable maximum price based on the applications received. The cost is estimated at between \$5 and \$12 million.

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 rule amends the administrative process of a tax credit program. The rule 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 adds the tax credit program in Part 290 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed/emergency rule.

##### **ALTERNATIVES:**

No alternatives were considered with regard to creating a new rule in response to the statutory requirement.

##### **FEDERAL STANDARDS:**

There are no federal standards applicable to this program; it is purely a state program that offers tax benefits to certain small businesses who have a demonstrated economic loss due to COVID-19. Therefore, the proposed/emergency rule does not exceed any federal standard.

##### **COMPLIANCE SCHEDULE:**

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

#### **Regulatory Flexibility Analysis**

Participation in the COVID-19 Capital Costs Tax Credit Program is entirely at the discretion of qualifying small 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 rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, the proposed/emergency rule may have a positive economic impact on small businesses.

Because it is evident from the nature of the 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**

Under the COVID-19 Capital Costs Tax Credit program, certain small businesses in rural areas of New York State may be eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program. The proposed/emergency rule

does not impose any special reporting, record keeping or other compliance requirements on private entities in rural areas. Therefore, the 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 creates the administrative process for the COVID-19 Capital Costs 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 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.

## State Board of Elections

### REVISED RULE MAKING NO HEARING(S) SCHEDULED

#### **Public Campaign Finance Program**

**I.D. No.** SBE-33-21-00010-RP

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

**Proposed Action:** Addition of Part 6221 to Title 9 NYCRR.

**Statutory authority:** Election Law, sections 14-205(6), 14-207(1) and (4)

**Subject:** Public Campaign Finance Program.

**Purpose:** Implementation of the Public Campaign Finance Program.

**Substance of revised rule (Full text is posted at the following State website:** [https://www.elections.ny.gov/NYSBOE/download/law/PropReg\\_Part6221reNYSPublicCampaignFinancePgm.pdf](https://www.elections.ny.gov/NYSBOE/download/law/PropReg_Part6221reNYSPublicCampaignFinancePgm.pdf)): Background

On December 1, 2019, the Campaign Finance Reform Commission ("CFRC"), established by Part XXX of Chapter 59 of the Laws of 2019, sent recommendations to the Governor and Legislative Leaders outlining the parameters of a public campaign finance system to be created within the New York State Board of Elections. As provided by Chapter 59, the recommendations of the Commission "have the full effect of law" unless "modified or abrogated by statute" on or before December 22, 2019. The Commission's report and recommendations were not modified or abrogated by statute and the recommendations became law on January 1, 2020. However, as a result of a March 12, 2020 Supreme Court Decision & Order, the Commission's recommendations were struck down (*Hurley, et al v. The Public Campaign Financing and Election Commission, et al*, No. E169547/2019).

Subsequently, the Governor proposed the Commission's recommendations as part ZZZ of the 2021 Budget Bill (S7508B/A9508B) which were ultimately passed by the legislature and signed by the Governor on April 3, 2020 (Chapter 58 of the Laws of 2020). The public campaign financing provisions, including the new Title II Public Financing provisions, are now law.

Election Law § 14-207(1) provides that: "the (Public Campaign Finance Board) shall promulgate such regulations as are needed no later than the first day of July, two thousand twenty-one." The Public Campaign Finance program, effective November 9, 2022, will commence with the 2024 Primary Elections for State Legislative Office. As such, the Public Campaign Finance Board submits this Notice of Proposed Rulemaking. The proposed regulations lay out the basic groundwork of how the campaign finance program will operate; including provisions related to: certification and registration; eligibility; the respective duties of the political committees and candidates; audits and the lottery system to determine who gets audited; and repayment of funds. Regulations concerning debate, enforcement, and the payment process of funds to campaigns are being developed and will be noticed for public comment in the future.

#### Summary of Proposed Rules Governance

The rules outline that the public campaign finance program is overseen and enforced by a Public Campaign Finance Board ("PCFB") within the

State Board of Elections. The PCFB is comprised of the four existing commissioners of the State Board and three additional commissioners. Additionally, the proposed rules outline the appointment and term of the chair of the PCFB. Further, the proposed rules provide for PCFB staff and outlines how advisory opinions and advice are administered.

#### Registration and Certification

The proposed rules outline reporting requirements for participating candidates and sets initial eligibility requirements for participation in the program, including registering a candidate's political committee with the State Board of Elections; meeting all the requirements of law to have their name on the ballot; having an actual, credible opponent; and complying with procedures for pre-existing campaign funds. Candidates must certify they will comply with certain criteria in order to participate.

#### Applicable Offices, Thresholds, and Payments

The public campaign financing program applies to state legislative offices and statewide offices. The proposed rules outlines the applicable thresholds a candidate must meet in order to participate in the program. The proposed rules provide that gubernatorial candidates must secure at least \$500,000 in in-state donations from at least in-state 5,000 donors to qualify for participation in the program, and sets the qualifying thresholds for the three statewide offices at \$100,000 from at least 1,000 donors. For legislative candidates, candidates for state senate must receive \$12,000 from at least 150 donors, and candidates for state assembly must receive \$6,000 from at least 75 donors. Additionally, legislative thresholds are subject to an adjustment based on the state's average median income ("AMI"); all districts below the AMI would be lowered, so that the Senate threshold for below-AMI districts would be reduced from \$12,000 to \$8,000 and for the Assembly the threshold for below-AMI districts would be reduced from \$6,000 to \$4,000.

The public campaign financing program is based on a small donor matching funds model. For statewide offices, the match ratio is \$6 of public funds for each \$1 contributed by in-state residents, with contributions up to \$250 being matched. For legislative races, the match similarly only applies to contributions of \$250 or less, but the match is progressive and higher: The first \$50 contributed is matched at 12:1. Contributions between \$51 and \$150 are matched 9:1 and contributions between \$151 to \$250 are matched at 8:1.

The total of public funds awarded to a candidate is capped. A candidate for Governor, Attorney General or Comptroller can receive no more than \$3.5 million for a primary and \$3.5 million for a general election. A Lieutenant Governor candidate can only receive \$3.5 million for a primary. Senate candidates are capped at \$375,000 in a primary and \$375,000 for the general election. Assembly candidates are capped at \$175,000 for the primary and \$175,000 for the general election.

#### Campaign Disclosures

The proposed rules require the disclosure of contributions and expenditures in order to participate in the program. Additionally, the rules require submitting and maintaining certain records. Further, the proposed rules require that disclosure statements be filed on dates consistent with 9 NYCRR 6200.2 and section 14-201 of the Election Law.

#### Use of Matching Funds

The proposed rules provide that public matching funds may be used only by an authorized committee for expenditures to further the participating candidate's nomination for election or election, including paying for debts incurred within one year prior to an election to further the participating candidate's nomination for election or election. The proposed rules also lists certain expenditures where public matching funds may not be used.

#### Audits

The rules also provides for audits of participating candidates to ensure proper compliance with and proper administration of the program. The purpose of such audits are to ensure compliance with the program's provisions, to recoup any unintentional overpayments of matching funds, and to determine what, if any, enforcement action shall be taken against the committee, candidate, and/or treasurer. The rules also provides for a lottery system to determine which legislative offices get audited.

**Revised rule compared with proposed rule:** Substantive revisions were made in sections 6221.5, 6221.9, 6221.14, 6221.20, 6221.21 and 6221.31.

**Text of revised proposed rule and any required statements and analyses may be obtained from** Nicholas R. Cartagena, State Board of Elections, Public Campaign Finance Board, 40 North Pearl Street, Suite 5, Albany, NY 12207, (518) 474-2063, email: [nicholas.cartagena@elections.ny.gov](mailto:nicholas.cartagena@elections.ny.gov)

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

**Public comment will be received until:** 45 days after publication of this notice.

#### Revised Regulatory Impact Statement

1. Statutory authority: Election Law § 14-207(1) provides that: "the PCFB shall promulgate such regulations as are needed no later than the first day of July, two thousand twenty-one." Additionally, Election Law

§ 14-207(4) provides that the Public Campaign Finance Board “ shall have the authority to promulgate such rules and regulations and provide such forms as it deems necessary for the administration of this title.

2. Legislative objectives: The legislative objective of the proposed regulations in the implementation of a public campaign finance program in the state of New York.

3. Needs and benefits: The proposed rules lays out the basic groundwork of how the public campaign finance program will operate, including provisions related to: certification and registration; eligibility; the respective duties of the political committees and candidates; audits and the lottery system to determine who gets audited; and repayment of funds.

4. Costs: The public campaign finance program will have an estimated annual fiscal cost of 100 million dollars.

5. Local government mandates: The proposed rules do not impose any local government mandate, as the rules only relate to statewide and state legislative offices.

6. Paperwork: Among other things, this proposed rule requires candidates and their authorized political committee to register with the State Board of Election, certify that they will comply with the program, submit campaign disclosure statements, maintain certain financial records, and cooperate during an audit process.

7. Duplication: There is no jurisdictional duplication created by this rulemaking.

8. Alternatives: The process provided by this rule directly implements the statutory requirements of Title 2 of Article 14 of the Election Law. Several of the alternatives considered and adopted following public comment are:

(a) Registration and certification: in response to public comment, the regulations clarified the process requiring candidates to register a new committee in order to participate in the public financing program;

(b) Loans: in response to public comment, the regulations were revised to limit the amount that a candidate can loan their campaign to three times the contribution limit, so that an unpaid loan deemed a contribution after the election would not disqualify them from the program for exceeding the contribution limit;

(c) How to handle public funds: in response to public comment, the regulations were revised to permit candidates to have one bank account, rather than a bank account exclusively for public funds. Expenditures using public funds as opposed to other funds will be tracked to ensure compliance.

Several of the alternatives proposed by public comment and rejected include:

(a) Public comment suggesting revisions to the regulations governing the use of public funds for travel expenditures were rejected on the grounds that the current regulations are necessarily thorough to protect against the use of public funds for personal use;

(b) Public comment suggesting that PCFB should have sole control of disbursing payments was rejected on the grounds that the statute requires the comptroller to disburse the matching funds;

(c) Public comment suggesting that “election day” should be defined in the regulations as the day the election is certified by a vote of the commissioners in the relevant board of elections was rejected on the grounds that “election day” is defined by statute as the Tuesday next succeeding the first Monday in November.

9. Federal standards: There are no federal standards relative to this rule making.

10. Compliance schedule: The rule details extensive timelines in relation to political committees duties in submitting certification documents, disclosure statements; and maintaining records.

#### **Revised Regulatory Flexibility Analysis**

Under SAPA 202-b(3)(a), when a rule does not impose an adverse economic impact on small business or local government and the agency finds it would not impose reporting, recordkeeping, or other compliance requirements on such entities, the agency may file a Statement in Lieu of. This rule will not impact small business operations or local government functions. This rule relates to implementing a state public campaign finance system for statewide and local offices. It imposes no additional compliance, regulatory or reporting requirements on local governments or small businesses.

#### **Revised Rural Area Flexibility Analysis**

Under SAPA 202-bb(4)(a), when a rule does not impose an adverse economic impact on rural areas and the agency finds it would not impose reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas, the agency may file a Statement in Lieu of. This rule has statewide application, implementing a statewide public campaign finance system. The proposed rule does not create any materially new reporting, recordkeeping or other routine compliance requirements that will specifically impact rural areas. Accordingly, this rule has no adverse impact.

#### **Revised Job Impact Statement**

1. Nature of impact: This rule should have minimal or no impact on jobs as the rule relates to implementing a statewide public campaign finance system.

2. Categories and numbers affected: This rule will impact candidates and authorized political committees for statewide office and state legislative offices.

3. Regions of adverse impact: This rule has a statewide applicability, and has no disproportionate adverse impact on jobs or employment opportunities in any region.

4. Minimizing adverse impact: No measures to minimize adverse impact on existing jobs or promote the development of new employment opportunities because the Public Campaign Finance Board has determined this rule would not have an adverse impact on jobs.

5. Self-employment opportunities: Not applicable.

6. Initial review of the rule, pursuant to SAPA § 207: Not applicable.

#### **Assessment of Public Comment**

The New York State Public Campaign Finance Board (hereinafter “PCFB”) received 138 comments on its proposed regulations governing the administration of New York State’s public campaign finance program (SBE-33-21-00010-P). Comments were received by two private citizens, the Brennan Center for Justice, the New York City Bar Association, Reinvent Albany, the Campaign Legal Center, Disability Rights NY, and the New York City Campaign Finance Board.

Pursuant to Section 202(4-a) of the New York State Administrative Procedures Act (“SAPA”), the PCFB is publishing this Assessment of Public Comment addressing the comments PCFB received and the actions PCFB took in response to those comments alongside its notice of revised rulemaking. According to SAPA § 202(4-c)(ix), this Assessment of Public Comment must not exceed 2,000 words. However, in the interest of increased transparency and desire to involve stakeholders, PCFB is publishing an 86-page Report on Amended Proposed Regulations and Public Comments (available at: <https://www.elections.ny.gov/NYSBOE/PCFB/PCFBReportonAmendedPropRegsandPubComments.pdf>), by contacting Nicholas R. Cartagena, Esq., 40 North Pearl Street, Ste. 5, Albany, NY 12207; Nicholas.Cartagena@elections.ny.gov; 518-474-2063), which provides a more comprehensive explanation for each change and an individualized response to each comment. This Assessment of Public Comment will serve to provide an overview of some of the more significant actions taken in response to the comments received by the PCFB.

Comments and revisions of program regulations

##### **(1) Registration and Certification**

Several comments received by the PCFB sought clarification about the process for applying to and registering for the public campaign finance program. The enabling statute requires that candidates both designate an authorized committee before receiving a contribution or making an expenditure for a covered election, and, separately, file a certification agreeing to the terms and conditions of the program at least four months before a primary election (and with a different timeline for special elections).

To facilitate compliance with these requirements, staff determined that the best policy was to require candidates who would like to participate in the program to register a new committee to join the program. Candidates will accomplish this by registering a new PCFB authorized committee, using a form designed by the PCFB, with the State Board of Elections. This, in effect, will notify the PCFB of the existence of the candidate’s sole authorized committee and allow for necessary outreach to interested candidates registering this type of authorized committee.

That way candidates could raise and spend money without committing themselves to participation in the program. The candidate would be instructed to transfer the money they had raised up to that point into the new committee, and terminate the old one. An inability to settle the old committee will not preclude forming a new, PCFB-registered committee; rather, the old committee will be placed on administrative hold until the account is settled.

Subsequently, a candidate will certify to the terms and conditions of the program via an application process. Campaigns will be encouraged to apply for the program as soon as possible; however, per statute, the application deadline is not until four months prior to the primary.

##### **(2) Loans**

The instant revisions address a potential issue involving candidates’ making loans to their own campaigns. Under the public campaign finance program, candidates are prohibited from spending any of their, or their family’s, funds to further their election; however, candidates are permitted to contribute to their campaigns in the amount of three times the individual contribution limit for the office they are seeking. The previous draft regulations did not address how self-loans (where a candidate loans their campaign funds) are to be treated. Self-loans could be treated as a candidate spending funds to further their election. Further, a candidate’s failure to repay a loan in excess of three times the contribution limit would result in that candidate being deemed to have exceeded the contribution

limit, potentially making that candidate liable for repaying the entirety of the public funds that candidate received under the program. To avoid that complication entirely, the instant revisions limit the amount a candidate can loan their campaign to three times the contribution limit, rendering any unpaid loans permissible contributions.

(3) Affiliated Contributions/LLC Attributions

The PCFB received a comment related to “affiliated contributions,” or how Limited Liability Company (“LLC”) contributions are treated. Election Law § 14-120(h) requires contributions made by LLCs, and certain contributions made by partnerships, to be attributable to an individual. The revised regulations now provide that contribution attributable to an individual shall be counted toward that individual’s \$250 matchable limit.

(4) Competitive Candidate Criteria

There were several comments that the proposed regulations—based on the New York City Campaign Finance Board’s (“NYC CFB”) rules—for determining whether a candidate faces a “competitive candidate,” and would thus be entitled to full matching funds, were overly complicated and not sufficiently objective. Commenters noted that the NYC CFB itself has advocated for new standards. The instant revisions seek to simplify the determination of whether a candidate is “competitive.”

(5) Number of bank accounts a committee must have and how to handle and account for public funds

Because the use of public campaign funds is more regulated than regular campaign funds, PCFB staff initially envisioned requiring a separate bank account for public funds. However, upon further deliberation, PCFB staff has determined that campaigns can use one bank account and track expenditures.

(6) Repayment of surplus funds

Election Law § 14-208(2)(c) provides that candidates must reimburse the program for any surplus of funds remaining at the conclusion of the campaign. Election Law § 14-200-a(19) defines a “surplus” as “those funds where the total sum of contributions received and public matchable funds received by a participating candidate and his or he authorized committee exceeds the total campaign expenditures of such candidate and authorized committee for all covered elections held in the same calendar year or for a special election to fill a vacancy.” For example, if a candidate raised \$10,000 in contributions, and received another \$5,000 in public matching funds, for a total of \$15,000 in campaign funds, and that candidate then spends \$10,000 and finishes the campaign with \$5,000 in their account, they would be required to reimburse the program \$5,000.

With regard to legacy funds raised in prior campaigns and transferred to the new committee, the statute does not count these funds toward the calculation of surplus. The only funds used to calculate a surplus would be the contributions received during an election cycle and matching funds received from the state.

## Department of Environmental Conservation

### NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Environmental Conservation publishes a new notice of proposed rule making in the NYS Register.

**Peekamoose Valley Riparian Corridor**

I.D. No.	Proposed	Expiration Date
ENV-22-21-00001-EP	June 2, 2021	June 2, 2022

## Department of Financial Services

### NOTICE OF ADOPTION

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

**I.D. No.** DFS-14-22-00004-A

**Filing No.** 408

**Filing Date:** 2022-06-07

**Effective Date:** 2022-06-22

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

**Action taken:** Addition of section 2.19 to Title 23 NYCRR.

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

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

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

**Text or summary was published** in the April 6, 2022 issue of the Register, I.D. No. DFS-14-22-00004-P.

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

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

## Department of Health

### NOTICE OF ADOPTION

**Prevention of COVID-19 Transmission by Covered Entities**

**I.D. No.** HLT-50-21-00001-A

**Filing No.** 423

**Filing Date:** 2022-06-08

**Effective Date:** 2022-06-22

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

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

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

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

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

**Text of final rule:** Pursuant to the authority vested in the Public Health and Health Planning Council and the Commissioner of Health by Public Health Law Sections 225, 2800, 2803, 3612, and 4010, as well as Social Services Law Sections 461 and 461-e, Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York, is amended, to be effective upon publication of a Notice of Adoption in the New York State Register, to read as follows:

Part 2 is amended to add a new section 2.61, as follows:

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

(a) *Definitions.*

(1) “Covered entities” for the purposes of this section, shall include:  
(i) any facility or institution included in the definition of “hospital” in section 2801 of the Public Health Law, including but not limited to general hospitals, nursing homes, and diagnostic and treatment centers;

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

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

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

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

(3) “Fully vaccinated,” for the purposes of this section, shall be



determined by the Department in accordance with applicable federal guidelines and recommendations. Unless otherwise specified by the Department, documentation of vaccination must include the manufacturer, lot number(s), date(s) of vaccination; and vaccinator or vaccine clinic site, in one of the following formats:

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

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

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

(c) Covered entities shall continuously require personnel to be fully vaccinated against COVID-19, absent receipt of an exemption as allowed below. Covered entities shall require all personnel to receive at least their first dose before engaging in activities covered under paragraph (2) of subdivision (a) of this section. Documentation of such vaccination shall be made in personnel records or other appropriate records in accordance with applicable privacy laws, except as set forth in subdivision (d) of this section.

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

(1) Medical exemption. If any licensed physician, physician assistant, or certified nurse practitioner certifies that immunization with COVID-19 vaccine is detrimental to the health of member of a covered entity's personnel, based upon a pre-existing health condition, the requirements of this section relating to COVID-19 immunization shall be inapplicable only until such immunization is found no longer to be detrimental to such personnel member's health. The nature and duration of the medical exemption must be stated in the personnel employment medical record, or other appropriate record, and must be in accordance with generally accepted medical standards, (see, for example, the recommendations of the Advisory Committee on Immunization Practices of the U.S. Department of Health and Human Services), and any reasonable accommodation may be granted and must likewise be documented in such record. Covered entities shall document medical exemptions in personnel records or other appropriate records in accordance with applicable privacy laws by: (i) September 27, 2021 for general hospitals and nursing homes; and (ii) October 7, 2021 for all other covered entities. For all covered entities, documentation must occur continuously, as needed, following the initial dates for compliance specified herein, including documentation of any reasonable accommodation therefor.

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

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

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

(3) the total number of covered personnel.

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

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

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

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

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

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

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

(7) documentation of COVID-19 vaccination or a valid medical exemption to such vaccination, pursuant to section 2.61 of this Title, in ac-

cordance with applicable privacy laws, and making such documentation available immediately upon request by the Department, as well as any reasonable accommodation addressing such exemption.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section section 2.61(a)(3)(i).

**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

#### Revised Regulatory Impact Statement

Statutory Authority:

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

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

deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article.”

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

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

#### Legislative Objectives:

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

#### Needs and Benefits:

The vaccine mandate for health care workers at covered entities, which required general hospital and nursing home personnel to receive their first dose of COVID-19 vaccine by September 27, 2021, and required all other covered personnel to receive their first dose of COVID-19 vaccine by October 7, 2021, has greatly increased the percentage of health care workers who are vaccinated against COVID-19. The vaccine mandate has decreased and will continue to decrease COVID cases, hospitalizations, and deaths.

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

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

#### Costs:

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

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

#### Cost to State and Local Government:

The State operates several healthcare facilities subject to this regulation. Most county health departments are licensed under Article 28 or Article 36 of the PHL and are therefore also subject to regulation. Similarly, certain counties and the City of New York operate facilities licensed under Article

28. These State and local public facilities would be required to ensure that personnel are fully vaccinated against COVID-19 and document such vaccination in personnel or other appropriate records. They must also review and make determinations on requests for medical exemptions, which must also be documented in personnel or other appropriate records, along with any reasonable accommodations.

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

#### Cost to the Department of Health:

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

#### Local Government Mandates:

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

#### Paperwork:

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

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

#### Duplication:

This regulation will not conflict with any state or federal rules.

#### Alternatives:

One alternative would be to require covered entities to test all personnel in their facility before each shift worked. This approach is limited in its effect because testing only provides a person's status at the time of the test and testing every person in a healthcare facility every day is impractical and would place an unreasonable resource and financial burden on covered entities if PCR tests couldn't be rapidly turned around before the commencement of the shift. Antigen tests have not proven as reliable for asymptomatic diagnosis to date.

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

#### Federal Requirements:

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

#### Compliance Schedule:

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

#### Revised Regulatory Flexibility Analysis

##### Effect of Rule:

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

##### Compliance Requirements:

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

Upon the request of the Department, covered entities must report the number and percentage of total covered personnel, as well as the number and percentage that have been vaccinated against COVID-19 and those

who have been granted a medical exemption, along with any reasonable accommodations. Facilities and agencies must develop and implement a policy and procedure to ensure compliance with the provisions of this section, making such documents available to the Department upon request.

**Professional Services:**

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

**Compliance Costs:**

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

**Economic and Technological Feasibility:**

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

**Minimizing Adverse Impact:**

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the Department since March of 2020. Further, the Department currently has an emergency regulation in place, which requires nursing homes and adult care facilities to offer COVID-19 vaccination to personnel and residents, which has helped to facilitated vaccination of personnel. Further, it is the Department’s understanding that many facilities across the State have begun to impose mandatory vaccination policies. Lastly, on August 18, 2021, President Biden announced that as a condition of participating in the Medicare and Medicaid programs, the United States Department of Health and Human Services will be developing regulations requiring nursing homes to mandate COVID-19 vaccination for workers.

**Small Business and Local Government Participation:**

Organizations that include as members health care and residential facilities that are small businesses and local governments were consulted on the proposed regulations. Any member of the public had an opportunity to submit comments during a 60-day public comment period on the Proposed Rule from December 15, 2021 until February 14, 2022. In addition, four separate Emergency Rules required personnel to receive the primary series of the vaccine since August 26, 2021. These Emergency Rules were approved by the Public Health and Health Planning Council at public meetings that took place on August 26, 2021, November 18, 2021, January 11, 2022, and March 17, 2022. Members of the public were permitted to speak and did speak at these meetings.

**Revised Rural Area Flexibility Analysis**

**Types and Estimated Numbers of Rural Areas:**

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

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

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

Genesee County	Rensselaer County	Yates County
	Schenectady County	

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

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

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

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

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

**Costs:**

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

**Minimizing Adverse Impact:**

As part of ongoing efforts to address the COVID-19 pandemic, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the Department since March of 2020. Further, the Department currently has an emergency regulation in place, which requires nursing homes and adult care facilities to offer COVID-19 vaccination to personnel and residents, which has helped to facilitated vaccination of personnel. Further, it is the Department’s understanding that many facilities across the State have begun to impose mandatory vaccination policies. Lastly, on August 18, 2021, President Biden announced that as a condition of participating in the Medicare and Medicaid programs, the United States Department of Health and Human Services will be developing regulations requiring nursing homes to mandate COVID-19 vaccination for workers.

**Rural Area Participation:**

Organizations that include as members health care and residential facilities that are located in rural areas were consulted on the proposed regulations. Any member of the public had an opportunity to submit comments during a 60-day public comment period on the Proposed Rule from December 15, 2021 until February 14, 2022. In addition, four separate Emergency Rules required personnel to receive the primary series of the vaccine since August 26, 2021. These Emergency Rules were approved by the Public Health and Health Planning Council at public meetings that took place on August 26, 2021, November 18, 2021, January 11, 2022, and March 17, 2022. Members of the public were permitted to speak and did speak at these meetings.

**Revised Job Impact Statement**

Changes made to the last published rule do not necessitate revision to the previously published JIS.

**Initial Review of Rule**

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

**Assessment of Public Comment**

The New York State Department of Health (NYSDOH) received thousands of comments from members of the public. A summary of the comments received on the Proposed Rule and the Department’s responses are below. Based on the comments received, no changes were necessary to the Proposed Rule.

Comment: The majority of comments received stated that the proposed regulation caused a violation of rights or violated State or federal law.

Response: Federal and State courts have already decided and determined that vaccine mandates, including this one in particular, are constitutional and legal. See *We the Patriots USA, Inc. v. Hochul*, 2021 U.S. App. LEXIS 33691, 2d Cir., Nov. 12, 2021, injunction denied by 142 S. Ct. 552 (Supreme Court of the United States, December 13, 2021, upholding the constitutionality of this regulation).

Comment: Many commenters expressed concern that NYSDOH lacked legal authority to establish these regulations.

Response: Rule making by executive agencies such as NYSDOH, including this regulation, is well established and set forth in Article 2 of the State Administrative Procedure Act. The specific statutory authority for this regulation is set out in the Regulatory Impact Statement. NYSDOH routinely establishes requirements for personnel who work in health care and residential facilities regulated by NYSDOH.

Comment: A number of comments were received concerning medical exceptions not being accepted.

Response: Under this regulation, regulated facilities are permitted to grant covered personnel a medical exemption after a licensed physician, physician assistant, or certified nurse practitioner certifies that immunization with COVID-19 vaccine is detrimental to the health of a personnel member, based upon a pre-existing health condition. The Advisory Committee on Immunization Practices of the U.S. Department of Health and Human Services (ACIP) publishes generally accepted medical standards for COVID-19 vaccination medical exemptions.

Comment: Many commenters expressed concern about the effectiveness of the COVID-19 vaccination.

Response: To date we know that fully vaccinated people with an infection (“breakthrough infection”) are less likely to develop serious illness, be hospitalized or die than those who are unvaccinated and get COVID-19. Breakthrough infections occur and are more likely with more recent variants of SARS-CoV-2; however, with vaccine, there is less morbidity and mortality.

Comment: Comments were received questioning what constitutes a covered entity for purposes of the regulation.

Response: This regulation is applicable to personnel of General Hospitals, Nursing Homes, Diagnostic and Treatment Centers, Hospices, Home Care Services Agencies, and Adult Care Facilities. The rule is applicable to personnel in these facilities who could potentially expose patients, residents, or other personnel to COVID-19.

Comment: Commenters expressed concern about the safety of the COVID-19 vaccine.

Response: COVID-19 vaccines are safe and effective. More than 584 million doses of COVID-19 vaccine have been given in the United States from December 14, 2020, through May 23, 2022. COVID-19 vaccines were evaluated in tens of thousands of participants in clinical trials. The vaccines met the Food and Drug Administration’s (FDA’s) rigorous scientific standards for safety, effectiveness, and manufacturing quality needed to support emergency use authorization (EUA).

Comment: Comments were received concerning the shortage of health care workers and the impact these regulations have on the shortage of workers. Commenters also noted the impact the proposed regulation could have on patient care, to the extent workers leave the health care field because of the requirement to be vaccinated against COVID-19.

Response: NYSDOH has decided as a matter of policy that personnel of health care and residential facilities who could potentially expose patients, residents, or other personnel to COVID-19 should be vaccinated to prevent patients, residents, or other personnel from getting COVID-19, a disease that has killed over one million people in the United States to date.

NYSDOH does not believe this regulation will affect labor force participation in the long run any more than the current requirements for personnel for rubella, measles, tuberculosis, and influenza. Healthcare-acquired infection is a significant cause of morbidity and mortality, and the Department prioritizes the prevention of infections that patients and residents can get as a result of receiving care and treatment in NYSDOH-regulated health care and residential facilities.

Comment: Commenters expressed confusion and concern about how the term “fully vaccinated” was defined.

Response: As stated in NYSDOH guidance, complete guidance regarding vaccination can be found in the Interim Clinical Considerations for Use of COVID-19 Vaccines Currently Approved or Authorized in the United States. At this time, “fully vaccinated” means that personnel have received the “primary series” of the vaccine.

Comment: Many commenters expressed concern that the vaccine mandate is “coercion” in violation of 21 CFR, Subchapter A, Part 50, Subpart B (informed consent of human subjects who participate in research involving human subjects).

Response: Health care providers and residential facilities that participate in the Medicare and Medicaid programs must follow federal conditions of participation. Under those conditions of participation, the federal government also requires personnel who work for such Medicare and

Medicaid providers to be vaccinated against COVID-19 (see <https://www.cms.gov/medicareprovider-enrollment-and-certificationsurvey/certificationengeninfopolicy-and-memos-states-and-guidance-interim-final-rule-medicare-and-medicaid-programs-omnibus-covid-19-health-care-staff-0>). This regulation applies to personnel who work at health care and residential facilities regulated by NYSDOH, not to human subjects who participate in research involving human subjects.

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## Public Service Commission

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

#### Electric Metering Equipment

I.D. No. PSC-25-22-00004-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 filed by ABB Inc. to use the CVC-110ER combination instrument transformer in electric metering applications.

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

**Subject:** Electric metering equipment.

**Purpose:** To ensure that consumer bills are based on accurate measurements of electric usage.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on May 18, 2022, by ABB Inc., to use its 15 kilovolt voltage class combination instrument transformer of the type CVC-110ER (Device) in electric metering applications in New York State.

The Device is a combination current transformer and voltage transformer unit cast in hydrophobic cycloaliphatic epoxy. The Commission requires new types of electric meters and associated devices used to measure a customer’s electric usage to be tested and approved by the Commission in conformance with 16 NYCRR § 93 before being used for customer billing purposes.

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

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto: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](mailto: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-0299SP1)

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

#### Notice of Intent to Submeter Electricity and Waiver Request

I.D. No. PSC-25-22-00005-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 notice of intent of Bedford Courts III, LLC to submeter electricity at 1101 President Street, Brooklyn, New York and request for waiver of the energy audit requirements in 16 NYCRR section 96.5(k)(3).

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

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

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

**Substance of proposed rule:** The Public Service Commission (Commission) is considering the notice of intent filed by Bedford Courts III LLC (Owner) on April 11, 2022, seeking authority to submeter electricity at new rental building, with both fair market and rent stabilized units, located at 1101 President Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison). The petitioner also requested waiver of 16 NYCRR § 96.5(k)(3), the requirement for an energy audit for buildings where 20 percent or more of the residents receive income-based housing assistance.

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

The Commission is also considering the petitioner's request for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that, because the building is new construction, it must comply with the current New York City Energy Conservation Construction Code, which sets strict energy-efficiency standards for new and renovated buildings, including the design and construction of energy-efficient building envelopes, mechanical, lighting and power systems. Given these requirements, the Owner states that an energy audit is not necessary in this case.

The full text of the notice of intent, waiver request, and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://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](mailto: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](mailto: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-0201SP1)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### The Financial Impacts of the COVID-19 Pandemic

**I.D. No.** PSC-25-22-00006-P

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

**Proposed Action:** The Public Service Commission is considering an arrears report filed by Department of Public Service Staff recommending targeted relief to those customers financially impacted by the COVID-19 pandemic.

**Statutory authority:** Public Service Law, sections 4(1), 5(1), 65(1), (2), (3) and 66

**Subject:** The financial impacts of the COVID-19 pandemic.

**Purpose:** To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.

**Substance of proposed rule:** The Commission is considering an Arrears Report filed on May 23, 2022 by Department of Public Service Staff (Staff) recommending targeted relief to those customers financially impacted by the COVID-19 pandemic (Report). Specifically, the report proposes arrears management solutions for non-low-income customers impacted by the COVID-19 pandemic.

As part of the report, the Joint Utilities (comprised of: Central

Hudson Gas and Electric Corporation; Consolidated Edison Company of New York, Inc.; National Fuel Gas Distribution Corporation; The Brooklyn Union Gas Company d/b/a National Grid NY; KeySpan Gas East Corporation d/b/a National Grid, Niagara Power Corporation d/b/a National Grid; New York State Electric and Gas Corporation; Rochester Gas and Electric Corporation; and Orange & Rockland Utilities, Inc.) propose to resolve arrears greater than 60 days for all non-low income residential and small commercial customers. This relief could take the form of a one-time arrears credit with no requirement that the customer pay current charges or enter into a differed payment agreement (DPA) to receive relief. The arrears relief would occur in the form of a credit to a customer's account and would be immediately reflected on the customer's next bill. The Joint Utilities would also provide outreach and education messaging to customers explaining the credit and programs available to manage their bills moving forward. The Joint Utilities propose to recover the program costs from customers through a surcharge for the duration of the recovery period, proposed to be as long as ten years in order to target bill impacts at or below approximately 1% in the first year and no incremental bill impacts in subsequent years. Decisions regarding recovery of these costs may also take into consideration existing cost recovery mechanisms contained in utility tariffs.

The Joint Utilities have also committed to providing shareholder contributions to offset the costs associated with this arrears management program. The Joint Utilities intend to work within their existing financing approvals to finance the costs of such a program, but recognize that additional financing approvals may be necessary.

Alternative options for an arrears management program have also been advanced in the Energy Affordability Policy (EAP) Working Group. These include a program that does not credit the entirety of non-low income residential and small commercial arrears, but instead credits a smaller amount; either a fixed amount for all customers, or an amount based on a percentage of the customer's arrears. Such a one-time credit could also be tied to a requirement that the customers enter into a DPA to facilitate customer reduction of their own arrears.

The full text of the report and full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://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](mailto: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](mailto:secretary@dps.ny.gov)

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

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

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

(14-M-0565SP17)

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Notice of Intent to Submeter Electricity and Waiver Request

**I.D. No.** PSC-25-22-00007-P

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

**Proposed Action:** The Commission is considering the notice of intent of Bedford Courts III LLC to submeter electricity at 1089 President Street, Brooklyn, New York and request for waiver of the energy audit requirements in 16 NYCRR section 96.5(k)(3).

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

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

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

**Substance of proposed rule:** The Public Service Commission (Commission) is considering the notice of intent filed by Bedford Courts III LLC (Owner) on April 11, 2022, seeking authority to submeter electricity at a new, fully rent stabilized, income-based rental building at 1089 President Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison). Additionally, the petitioner requested waiver of 16 NYCRR § 96.5(k)(3), the requirement for an energy audit for buildings where 20 percent or more of the residents receive income-based housing assistance.

In the notice of intent, Bedford Courts III LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The Commission is also considering the Owner's request for waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that, because the buildings are new construction, it must comply with the current New York State Energy Conservation Construction Code, which provides strict energy conservation requirements for new and renovated buildings, including the design and construction of energy-efficient building envelopes, mechanical, lighting and power systems. Given these requirements, the Owner states that an energy audit is not necessary in this case.

The full text of the notice of intent, waiver request, and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://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](mailto: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](mailto: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-0200SP1)

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Agriculture and Markets, Department of</b>		
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.
<b>Environmental Conservation, Department of</b>		
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: <a href="https://www.dec.ny.gov/regulations/125274.html">https://www.dec.ny.gov/regulations/125274.html</a>  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: <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>
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: <a href="https://www.dec.ny.gov/regulations/125410.html">https://www.dec.ny.gov/regulations/125410.html</a>  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
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>0001</b>	<b>P</b>

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

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

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

*AAM-23-21-00001-P	07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-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

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

**AUDIT AND CONTROL, DEPARTMENT OF**

AAC-25-22-00002-P	06/22/23	To expand the hierarchy of persons authorized to establish an ABLE Account on behalf of an eligible individual.	To conform to federal regulations
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**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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs	To establish minimum standards to control the spread of COVID-19 at residential congregate programs
CFS-18-22-00008-P	05/04/23	Expanded eligibility for child care assistance	To expand eligibility for child care assistance in accordance with Social Services Law 410-w
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"
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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 exempt 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

**Action Pending Index****NYS Register/June 22, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-10-22-00001-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-10-22-00002-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-10-22-00003-P	03/09/23	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-10-22-00004-P	03/09/23	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-10-22-00005-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-22-00006-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-10-22-00007-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-10-22-00008-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-19-22-00007-P	05/11/23	Jurisdictional Classification	To delete a position from the exempt class and to delete positions from and classify positions in the non-competitive class
CVS-19-22-00008-P	05/11/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-19-22-00009-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00010-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00011-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00012-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00013-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
CMC-15-22-00007-EP	04/13/23	Segregated confinement	Set minimum standards for the imposition of segregated confinement and the operation of RRUs in jails
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
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
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
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
EDV-25-22-00003-EP	06/22/23	COVID-19 Capital Costs Tax Credit program	To create the administrative process for the program
<b>EDUCATION DEPARTMENT</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-09-22-00016-P	03/02/23	Board of education cooperative services regional technology plans	To modernize the language and align requirements of the regional technology plans required to be submitted by BOCES
EDU-13-22-00024-EP	06/15/23	Accelerated due process procedures	To implement Chapter 812 of the Laws of 2021
EDU-13-22-00025-P	03/30/23	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
EDU-13-22-00026-P	03/30/23	Admission Requirements for Graduate-level Teacher and Educational Leadership Programs	To align such admission requirements with Chapter 630 and 626 of the Laws of 2021
EDU-13-22-00027-P	03/30/23	Instructional Hour COVID-19 Waiver	To extend the instructional hour COVID-19 waiver to the 2022-23 school year
EDU-13-22-00028-P	05/23/23	The disability classification “emotional disturbance”	To rename such disability classification to “emotional disability”
EDU-13-22-00029-P	06/15/23	Special education due process system procedures	To address the rotational selection process for assignment of IHOs to due process complaints; clarify language regarding IHO findings of fact and decisions; and address how IHOs must handle conflicts of interest
EDU-17-22-00005-P	04/27/23	Continuing education (CE) requirements for psychologists, social workers and mental health practitioners	To require such professionals to complete three CE credits on issues related to maintaining appropriate professional boundaries
EDU-17-22-00006-P	04/27/23	Registration requirements for residency programs and residency certificate requirements	To establish registration requirements for residency programs and to revise residency certificate requirements
EDU-17-22-00007-P	04/27/23	Remote instruction and its delivery under emergency conditions	Permits districts to provide remote instruction if they would otherwise close due to an emergency and count such instructional days towards minimum requirements, define remote instruction and require public schools to plan for providing remote instruction
EDU-17-22-00008-EP	04/27/23	General Comprehensive Examination Sub-tests and Grandfathering of Prior Passing Scores	To permit candidates for the high school equivalence (HSE) diploma to apply passing sub-test(s) scores from the TASC as passing score(s) for up to three corresponding sub-test(s) of the approved HSE examination
EDU-17-22-00009-EP	04/27/23	Licensure requirements for professional engineers	To implement Chapter 465 of the Laws of 2021 relating to licensure requirements for professional engineers
EDU-17-22-00010-P	04/27/23	State Aid for Public Library Systems, School Library Systems and Reference and Research Library Resource Councils	To align the Commissioner’s regulations with Chapters 563 and 322 of the Laws of 2021
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.

**Action Pending Index****NYS Register/June 22, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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.
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 yeas 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.
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-33-21-00010-RP	11/16/22	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 provied 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
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-51-21-00003-P	04/07/23	Environmental Remediation Programs	To amend 6 NYCRR Part 375, Environmental Remediation Programs
ENV-14-22-00005-P	04/06/23	Amendments to New York State spring turkey hunting regulations	To increase hunting opportunities in Wildlife Management Unit 1C and to modernize allowable take methods
ENV-20-22-00001-EP	05/18/23	Regulations governing recreational fishing of summer flounder	To revise regulations concerning the recreational harvest of summer flounder in New York State
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
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
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
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
<b>GAMING COMMISSION, NEW YORK STATE</b>			
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
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-19-22-00026-P	05/11/23	Charitable Contributions Thru State Employees Federated Appeals	To reflect efficiencies offered by modern business processes
<b>HEALTH, DEPARTMENT OF</b>			
*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-50-21-00002-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
<b>HEALTH, DEPARTMENT OF</b>			
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.
<b>HUMAN RIGHTS, DIVISION OF</b>			
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
<b>JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE</b>			
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
<b>LABOR, DEPARTMENT OF</b>			
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.
<b>LAW, DEPARTMENT OF</b>			
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"
<b>LONG ISLAND POWER AUTHORITY</b>			
*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
<b>LONG ISLAND POWER AUTHORITY</b>			
*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
<b>MENTAL HEALTH, OFFICE OF</b>			
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
<b>MENTAL HEALTH, OFFICE OF</b>			
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.
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
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
<b>NIAGARA FALLS WATER BOARD</b>			
*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
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*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
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
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
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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



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<b>PUBLIC SERVICE COMMISSION</b>			
*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.

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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 meter 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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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 an 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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
PSC-25-22-00004-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-22-00005-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-25-22-00006-P	..... exempt	The financial impacts of the COVID-19 pandemic.	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic.
PSC-25-22-00007-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.
<b>STATE, DEPARTMENT OF</b>			
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
<b>STATE UNIVERSITY OF NEW YORK</b>			
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*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.
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
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
<b>TRANSPORTATION, DEPARTMENT OF</b>			
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
<b>WORKERS' COMPENSATION BOARD</b>			
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



# SECURITIES OFFERINGS

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## STATE NOTICES

Published pursuant to provisions of General Business Law  
[Art. 23-A, § 359-e(2)]

## DEALERS; BROKERS

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1914 Holding Company  
715 Kirk Dr., Kansas City, MO 64102  
*State or country in which incorporated* — Delaware

Bioadaptives, INC.  
2620 Regatta Dr., Suite 102, Las Vegas, NV 89128  
*State or country in which incorporated* — Delaware

CX Lively Indigo Run Depositor, LLC  
4890 W. Kennedy Blvd., Suite 200, Tampa, FL 33609  
*State or country in which incorporated* — Delaware

FBC Holding, Inc.  
10855 N. 116th St., Suite 115, Scottsdale, AZ 85259  
*State or country in which incorporated* — Nevada

First Trust Private Credit Fund  
235 W. Galena St., Milwaukee, WI 53212  
*State or country in which incorporated* — Delaware

Forestview JV, LLC  
c/o Capital Solutions, Inc., 751 Arbor Way, Suite 210, Blue Bell, PA  
19422  
*State or country in which incorporated* — Delaware

Go Club Golf, LLC  
777 Terrace Ave., Suite 503, Hasbrouck Heights, NJ 07604  
*State or country in which incorporated* — Nevada

Green Leaf Fund V LP  
127 Spring St., Suite 200, Pleasanton, CA 94566  
*State or country in which incorporated* — Delaware

Inland Securities Corporation  
2901 Butterfield Rd., Oak Brook IL 60523  
*State or country in which incorporated* — Delaware

L'Oreal S.A.  
14 Rue Royale 75008 Paris, France  
*State or country in which incorporated* — France

LaSalle Investment Management Distributors, LLC  
333 W. Wacker Dr., Suite 2300, Chicago, IL 60606  
*State or country in which incorporated* — Delaware

Pioneer Valley Grows Investment Fund, Inc.  
324 Wells St., Greenfield, MA 01301  
*State or country in which incorporated* — Massachusetts

Societe Generale S.A.  
29, Blvd. Haussmann, 75009 Paris, France  
*State or country in which incorporated* — France

Transnational Group, Inc.  
2701 N. Thanksgiving Way, Suite 100, Lehi, UT 84043  
*State or country in which incorporated* — Nevada

Troy Place JV, LLC  
c/o Capital Solutions, Inc., 751 Arbor Way, Suite 210, Blue Bell, PA  
19422  
*State or country in which incorporated* — Delaware

Vivendi S.E.  
42 Ave. de Friedland 75008 Paris, France  
*State or country in which incorporated* — France

Vivo Living Kissimmee 2, LLC  
16150 SW Upper Boones Ferry Rd., Portland, OR 97224  
*State or country in which incorporated* — Delaware

Wasatch Funds Trust  
SOS Wakara Way, 3rd Floor Salt Lake City, UT 84108  
*State or country in which incorporated* — Massachusetts

Wobbe Lane Holdings, LLC  
9906 S. Range Rd., Perkins, OK 74059  
*State or country in which incorporated* — Arkansas





# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REPLACE ROOF

Sing Sing Correctional Facility  
Ossining, Westchester County

Sealed bids for Project No. M3144-C, comprising a contract for Construction Work, Replace Roof, Gym, Building 55, Sing Sing Correctional Facility, 354 Hunter Street, Ossining (Westchester County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, 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 \$32,700 for C).

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 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 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 436 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 16, 2022, at the OGS Field Office Trailer, 130 State St., Ossining, NY 10562. 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 Krebs-Fogel (914-941-1122) 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: 3% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto: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](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

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

By OGS - Design & Construction Group

# NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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Environmental Facilities Corporation  
625 Broadway  
Albany, New York 12207-2997

## MUNICIPALITIES OF NEW YORK STATE

### **Sewer Overflow and Stormwater Reuse Municipal Grants Program**

The New York State Environmental Facilities Corporation (EFC) is pleased to announce the availability of approximately \$4.3 million in grant funding through the Sewer Overflow and Stormwater Reuse Municipal Grants (OSG) Program. This program is intended to support construction of projects developed under the engineering planning grant program (EPG) to address infrastructure needs for combined sewer overflows (CSO), sanitary sewer overflows (SSO), and stormwater management.

New project listing forms and project updates will be accepted through Monday, August 8, 2022 for municipalities interested in competing for OSG funding.

Eligible entities seeking OSG grants must provide an updated schedule and budget to: [CWSRFinfo@efc.ny.gov](mailto:CWSRFinfo@efc.ny.gov)

These items must be submitted to EFC no later than Monday, August 8, 2022 to have the project eligible to compete for funding. If these items are not received prior to Monday, August 8, 2022, the project may not be eligible for funding in FFY 2023.

#### Eligible Projects

Municipal water pollution control projects eligible for OSG grants include combined sewer overflow abatement; stormwater pollution abatement; and other municipally owned projects or portions of projects that maintain, protect, or improve water quality through the control of stormwater.

To be eligible for OSG grants, municipalities must meet the following requirements:

- Population up to 10,000
- Median Household Income less than 80% of the adjusted statewide MHI
- Previous recipient of EFC Engineering Planning Grant for an Inflow and Infiltration (I/I) or Combined Sewer Overflow (CSO project)
- Projects must serve an Environmental Justice Community as defined by the NYS Department of Environmental Conservation at: <https://www.dec.ny.gov/public/911.html>

Data for this evaluation will be based on the 2019 American Community Survey's 5-year estimates published by the U.S. Census Bureau.

Award recipients will be eligible to receive up to 80% grant and a maximum grant amount will be based on demand. Projects must incorporate the use of green project reserve (GPR) as defined by EPA including:

- address stormwater and wet weather issues through the use of green infrastructure;
- promote energy efficiency;
- promote water efficiency; or
- use innovative approaches to managing water resources.

Please note funds for the OSG program are subject to federal funding requirements.

#### Background

EFC administers the Clean Water State Revolving Fund (CWSRF). Additional information regarding OSG grants will be available on EFC's website at [www.efc.ny.gov](http://www.efc.ny.gov). Potential applicants are also encouraged to review EPA's OSG website at <https://www.epa.gov/cwsrf/sewer-overflow-and-stormwater-reuse-municipal-grants-program>.

Deadline for submittals: In order to be eligible for OSG funding prior to September 30, 2023 the required information must be submitted by 5:00 p.m., Monday, August 8, 2022.

#### CONTACTS:

If you have questions on the OSG program, please email: [CWSRFinfo@efc.ny.gov](mailto:CWSRFinfo@efc.ny.gov) or contact: Máire Cunningham at the above address or call 12207-2997, FAX: (518) 402-6954



# 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](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE Department of Agriculture and Markets

IN THE MATTER OF ISSUANCE OF  
AN ORDER TO POULTRY SHOWS  
AND EXHIBITIONS AND TO THOSE  
DISPLAYING POULTRY THEREAT

REPEAL OF PRIOR  
ORDERS RELATING TO  
HIGHLY PATHOGENIC  
AVIAN INFLUENZA

WHEREAS, there have been several outbreaks of highly pathogenic avian influenza ("HPAI") detected in the State; and

WHEREAS, avian influenza is typically spread by an uninfected bird coming into contact with an infected bird or that bird's bodily fluids and/or secretions; and

WHEREAS, in order to impede the transmission of HPAI from infected birds to non-infected birds, I issued two orders:

(1) A Notice of Order, dated March 21, 2022, prohibiting poultry shows and exhibitions from being conducted (the "March Order"); and

(2) A Notice of Order for the Conduct of Auctions or Other Events Where Poultry is Commingled for Sale, Purchase, Trade and/or Exchange, signed during April, 2022, prohibiting events or venues, including but not limited to auctions, sales, meets, and swaps, where poultry commingled, aggregated, assembled, and/or displayed, from being conducted (the "April Order"); and

WHEREAS, there has not been a detected case of HPAI in the State since April 6, 2022, and the number of cases detected nationally has decreased significantly.

NOW, THEREFORE, BASED UPON THE FOREGOING, I, RICHARD A. BALL, COMMISSIONER OF AGRICULTURE AND MARKETS OF THE STATE OF NEW YORK, hereby find and determine that the well-being of the State's poultry population is not presently served by the March Order and the April Order, remaining in effect, and

I HEREBY REPEAL the March Order and April Order, effective immediately.

RICHARD A. BALL, Commissioner  
of Agriculture and Markets of the  
State of New York

## PUBLIC NOTICE New York City 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](mailto: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-2022-0112

Date of Issuance – June 22, 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. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at:

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0112a.pdf>

and

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0112b.pdf>

In F-2022-0112, or the "Van Buren Water District Project", the applicant – Town of Pomfret – proposes the installation of approximately 12,400 linear feet of an 8 inch and 6 inch PVC water main. The water main improvements will be located along portions of Bayshore Drive, Lake Road, lakeside Boulevard Extension, Central Avenue, Van Buren Bay Road, 1st Street, 2nd Street, 3rd Street, 4th Street, 5th Street, 6th Street, and Van Buren Road.

The purpose of the proposed project is to provide safe and reliable potable water supply and fire protection to residences in the Town of Pomfret, Van Buren Water District.

Any interested parties and/or agencies desiring to express their

views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, July 22, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2022-0185

Date of Issuance – June 22, 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. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at:

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0185a.pdf>

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0185b.pdf>

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0185c.pdf>

In F-2022-0112, or the "Carter Residential Dock", the applicant – Eric Carter – proposes to rehabilitate the existing gabion seawall, removal of the existing dock, the construction of a fixed timber pier with a one pile anchored floating dock, accessed via pier and aluminum gangway. The proposed 112' by 6'8" fixed pier leading to a 35' by 4' aluminum gangway leading to a 40'6" by 8' float with two steel anchor piles. The existing stone slope will be repaired where necessary with 3'6" minimum diameter toe stone and a thick layer of 1'6" to 3' armor stone. The construction of a proposed concrete wall approximately 50' long landward of the existing gabions. The project is located at 503 North Broadway in the Village of Upper Nyack, Rockland County, on the Hudson River.

The purpose of the proposed project is to "protect existing upland development and ensure safe, continued access to the waterfront. Installing the floating dock will encourage recreational activities on the water."

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, July 22, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2022-0188

Date of Issuance – June 22, 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. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at:

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0188a.pdf>

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0188b.pdf>

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0188c.pdf>

In F-2022-0188, or the "Blind Sodus Bay REDI Project", the applicant – Wayne County Soil & Water Conservation District – proposes to construct three breakwaters on the western portion of the barrier bar. The eastern end of the barrier bar will be enhanced with additional fill. The navigational channel will be relocated to its historic location in the center of the barrier bar to maintain access between Blind Sodus Bay and Lake Ontario. Various natural and nature-based features will be incorporated into the barrier bar breakwaters such as turtle nesting and basketing habitat, woody habitat enhancements, and native plantings.

The purpose of the proposed project is to "restore the degraded Blind Sodus Bay barrier bar to improve water quality, wildlife habitat, and protect existing development along the shoreline of Blind Sodus Bay from wave-related erosion".

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, July 22, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2022-0190

Date of Issuance – June 22, 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. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at:

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0190a.pdf>

and

<https://dos.ny.gov/system/files/documents/2022/06/f-2022-0190b.pdf>

In F-2022-0190, or the "Woodland Wetland Enhancement Project", the applicant – NYS Parks, Recreation, and Historic Preservation – proposes to create a hydrological connection between Blasdell Creek and the adjacent wetland. This proposal is also to divert water from the creek through regrading and installation of a box culvert. The project will expand the wetland system through regrading and removal of soils. Mechanical and chemical treatments will be applied to invasive species, five planting zones will be established and planted with native species. The project is located at the Woodlawn Beach State Park at 3580 Lake Shore Road in the Town of Hamburg, Erie County on the Blasdell Creek.

The purpose of the proposed project is to “reduce bacteria levels in Blasdell Creek and Lake Erie by creating a connection from the creek via a culvert to an expanded wetland system to support water quality improvement through biofiltration”.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, July 22, 2021.

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

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

## PUBLIC NOTICE

Department of State  
F-2022-0391

Date of Issuance – June 22, 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-2022-0391, Jeffrey DiLandro, is proposing to construct a 4' x 52' open grate catwalk (extends 40' out from MHW). The catwalk is proposed to be elevated 4' over the tidal wetlands vegetation and then lowered to 26" over the MHW. (8) 4" x 4" posts are proposed to support the catwalk landward of the MLW and (6) 8" diameter piles are proposed to support the catwalk from the MLW seaward. Stairs to access the catwalk are proposed at the landward end, and a ladder is proposed at the seaward end. All construction materials shall be non-treated lumber. 29 West End Ave., Southampton, Dave's Creek, Shinnecock Bay.

The stated purpose of the proposed action is to “recreational dock facility for safe mooring and shoreline access”.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/6/f-2022-0391jeffreydilandro.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 22, 2022.

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

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

## PUBLIC NOTICE

Department of State  
F-2022-0402

Date of Issuance – June 22, 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-2022-0402, Canadian National Railway Company, is proposing to perform repairs to the concrete bridge abutments, replace the sheet pile bulkheads adjacent to the east and west abutments, and repairs to the steel superstructure truss members, tower columns, gusset plates, floor beams, stringers, rim and radial girders and diaphragms. None of these steel superstructure repairs will affect the bridge low chord such that the vertical clearance above Mean Low Water (MLW) will remain the same as existing. The only in-water construction activities will be for the bulkhead replacement which will be a total length of 716 feet; including 126 ft along the western shoreline and 590 ft along the eastern shoreline. The project location is the Black Rock Swing Bridge, City of Buffalo, Erie County, Black Rock Canal.

The stated purpose of the proposed action is for the bridge to continue safe and efficient operations.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/06/f-2022-0402cnablackrock.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 22, 2022.

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

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

## PUBLIC NOTICE

Department of State  
F-2022-0428 (DA)

Date of Issuance – June 22, 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 National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries service National Marine Fisheries Service (NMFS) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

NOAA proposes an Amendment 22 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. This amendment would establish updated commercial and recreational sector allocations for summer flounder, scup, and black sea bass. This action would also add the option for future modifications to the commercial/recreational allocation and transfer provisions to be considered through an FMP framework action, as opposed to an amendment.

The applicant's consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2022/06/f-2022-0428\(da\)noaa.pdf](https://dos.ny.gov/system/files/documents/2022/06/f-2022-0428(da)noaa.pdf)

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 from the date of publication of this notice, or July 22, 2022.

*Comments should be addressed to:* Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572.

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.

2022-0288 Matter of Long Island Perfect Permits Inc., Chris Ross, 124 Front St., Suite 205, Massapequa Park, NY 11762, for a variance concerning safety requirements, including height under a girder/soffit. Involved is an existing dwelling located at 920 N. 5th Street, New Hyde Park, Town of North Hempstead, 11040, 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.

2022-0290 in the Matter of Kim Mannino, 482 High Cliffe Lane, Tarrytown, NY 10591, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at 482 High Cliffe Lane, Tarrytown, NY 10591, County of Westchester, State of New York.

2022-0291 in the Matter of Building Permit Services, John Matthews, 45 Sunset Drive, Croton On Hudson, NY 10520, for a variance concerning safety requirements, including fixture clearance. Involved is a one-family dwelling located at Five Wheeler Drive, Cortlandt Manor, NY 10567, County of Westchester, State of New York.

2022-0292 in the Matter of Woodruff Architects, John F Woodruff, 12 Moran Place, New Rochelle, NY 10801, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at 95 Valley Road, New Rochelle, NY 10804, County of Westchester, State of New York.

2022-0293 in the Matter of Woodruff Architects, John F Woodruff, 12 Moran Place, New Rochelle, NY 10801, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at 92 Church Street, New Rochelle, NY 10801, County of Westchester, State of New York.

2022-0294 in the Matter of RD Studio Inc., Rocco Dileo, 363 Westchester Ave, Port Chester, NY 10573, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at 43 Cox Avenue, Armonk, NY 10504, County of Westchester, State of New York.

2022-0295 in the Matter of Yestadt Architecture & Design PLLC, Rick Yestadt, 17 North Chatsworth Ave., Larchmont, NY 10538, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at Two Center Avenue, Larchmont, NY 10538, County of Westchester, State of New York.

2022-0296 in the Matter of Tara & Jonathan Goldberg, 211 Broadway, Pleasantville, NY 10570, for a variance concerning safety requirements, including pool fence latch. Involved is a inground pool located at 211 Broadway, Pleasantville, NY 10570, County of Westchester, State of New York.

2022-0297 in the Matter of Resreal Designs, John Scavelli, PE, 2875 Route 35, Katonah, NY 10536, for a variance concerning safety requirements, including ceiling height, stairway width and headroom. Involved is a one-family dwelling located at 67 Sears Avenue, Elmsford, NY 10523, County of Westchester, State of New York.

2022-0298 in the Matter of Messenger Architecture LLC, Michael C. Messenger, 16 Washington Avenue, Bedford, NY 10506, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at 100 Greenwich Road, Bedford, NY 10506, County of Westchester, State of New York.

2022-0299 in the Matter of LI Permits Expediting Service, Kathleen Mchenry, P.O. Box 5, Center Moriches, NY 11934, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 14 Smith Street, Centereach, NY 11720, County of Suffolk, State of New York.

2022-0300 in the Matter of Jon Taveras, 1469 Lincoln Blvd., Bay Shore, NY 11706, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 1469 Lincoln Blvd, Bay Shore, NY 11706, County of Suffolk, State of New York.