
NEW YORK STATE

REGISTER

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

For notices published in this issue:

- the 60-day period expires on September 4, 2022
- the 45-day period expires on August 20, 2022
- the 30-day period expires on August 5, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

Division of Criminal Justice Services

EMERGENCY RULE MAKING

Professional Policing Standards

I.D. No. CJS-42-21-00004-E

Filing No. 448

Filing Date: 2022-06-16

Effective Date: 2022-06-16

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

Action taken: Repeal of Parts 6000, 6056; addition of new Parts 6000, 6056 to Title 9 NYCRR.

Statutory authority: Executive Law, sections 837(13), 840(2), (2-b), 845(1), (2), (3); General Municipal Law, section 209-q; L. 2021, ch. 59, part BBB

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

Specific reasons underlying the finding of necessity: I, Rossana Rosado, Commissioner of the Division of Criminal Justice Services (Division), do hereby repeal and add Parts 6000 and 6056 of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York; and do hereby certify that the attached text of Parts 6000 and 6056 of Title 9 of the Official Compilation of Codes, Rules and Regulations is complete and accurate. Accordingly, I hereby promulgate the attached regulations.

I determined that it is necessary for the preservation of public safety and the general welfare of people of the State of New York that the at-

tached regulations be adopted on an emergency basis, as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

At the forefront of the national discussion involving policing in America is law enforcement's use of excessive force and other misconduct, and public unrest and distrust in the law enforcement profession. Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation. The attached amendments will create a regulatory framework for hiring standards, including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Maintaining public safety is imperative as it will foster better relations between police and the communities they serve. The failure to promulgate this rule on an emergency basis, and the failure to hold police officers who engage in serious misconduct accountable and to prevent bad actors from serving as police officers, will undermine public safety. For that reason, it would, in this case, be contrary to the general welfare of the People of the State of New York to adhere to the normal requirements of the rule-making process.

NOW, THEREFORE, be it known that the attached rules and regulations are duly adopted pursuant to the authority vested in me by Executive Law § 837(13) and shall be effective immediately upon filing with the Department of State.

Subject: Professional Policing Standards.

Purpose: Implementation of the "New York State Professional Policing Act of 2021".

Substance of emergency rule (Full text is posted at the following State website: <https://www.criminaljustice.ny.gov/>): Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create the regulatory framework for hiring standards, including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the New York State Division of Criminal Justice Services ("Division") to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Summary of Part 6000

With the enactment of the New York State Professional Policing Act of 2021, the Municipal Police Training Council was directed to establish rules and regulations pertaining to the psychological requirements and background investigations of persons for provisional or permanent appointment in the competitive class of the civil service as police officers of any county, city, town, village or police district to determine the candidate's fitness and eligibility. These regulations are intended to ensure that all persons appointed to the position of police officer are held to the same hiring standards, and promote professional police services. All law enforcement officers must be of good moral character as determined by a thorough background investigation to ensure persons who engage in illegal, dishonest, unprofessional, unethical, or immoral conduct are prohibited from becoming police officers, and to protect against acts or conduct which may endanger the safety and welfare of the public. All police officers must also be emotionally stable and psychologically fit to perform the essential

functions of a police officer, and endure the uniquely stressful working conditions. Consistent background investigation procedures and standards, as set forth in section 6000.10 of this Part, and psychological standards, as set forth in section 6000.11 of this Part, will ensure that all New York police agencies and police officers are held to identical hiring standards with the goal of ensuring that police interactions with all individuals are appropriate and that the rights of all parties are respected.

Summary of Part 6056

Historically, when an officer separated from a department after a disciplinary hearing, or resigned or retired while disciplinary proceedings were pending, there was no reporting mechanism in place to ensure the invalidation of the officer's training certificate. These "certified" officers were attractive candidates to other departments for a variety of reasons, but they were hired in relative anonymity with respect to the misconduct leading to their prior separation. In 2016, the Division adopted regulations to prevent these occurrences by defining removal for cause and removal during probationary period; compelling police departments to report, to the Division, officers who cease to serve in their departments and the reasons for such; and immediately invalidating a training certificate when an officer is removed for cause or removed during a probationary period.

Presently, removal for cause means removal after a hearing on stated charges pursuant to section 75 of the Civil Service Law, or retirement or resignation while disciplinary charges pursuant to section 75 of the Civil Service Law, which may result in removal, are pending. Removal during probationary period means a probationary period not successfully completed due to incompetence or misconduct that would have subjected a permanent employee to disciplinary charges pursuant to section 75 of the Civil Service Law.

Unfortunately, there are loopholes in the current structure. Under the new framework, removal for cause of a full-time or part-time police officer or peace officer means when an officer has an interruption in service subsequent to and in connection with allegations of misconduct which are known or should be known to the employer or any officer or employee of the employer agency or is being investigated by another agency or entity. Misconduct includes: (a) criminal activity, whether criminally charged or prosecuted, regardless of where the act took place if said conduct would constitute an offense in New York; (b) dishonesty; (c) use of excessive force; (d) abuse; and (e) conflicts of interest. (2) Interruption from service includes separation: (a) pursuant to: a hearing held under section 75 of the Civil Service Law; a collective bargaining agreement, or any general, special or local law, or charter provision in accordance with section 76 of the Civil Service Law; or any other applicable law; or (b) by an employee's resignation or retirement; or (c) after an employee's waiver of any rights available. Removal during a probationary period means a probationary period not successfully completed due to misconduct.

The amendments also create a resolution and due process structure when it appears to the Commissioner of the Division that there is a material inaccuracy in an employer's reporting of the reason an officer ceased to serve.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CJS-42-21-00004-EP, Issue of October 20, 2021. The emergency rule will expire August 14, 2022.

Text of rule and any required statements and analyses may be obtained from: Natasha Harvin-Locklear, Esq., Division of Criminal Justice Services, 80 South Swan Street, Albany, New York 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

Regulatory Impact Statement

1. Statutory authority: The authority for the promulgation of these regulations is contained in Part BBB of Chapter 59 of the Laws of 2021, Executive Law Sections 837(13); 840(2) and (2-b); 845(1), (2), and (3) and General Municipal Law Section 209-q.

Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021."

Executive Law Section 837(13) authorizes the Division of Criminal Justice Services (Division) to adopt, amend or rescind regulations "as may be necessary or convenient to the performance of the functions, powers and duties of the [D]ivision."

Executive Law section 840(2) authorizes the Municipal Police Training Council to establish background investigation standards. Executive Law Section 840(2-b) empowers the Municipal Police Training Council to promulgate regulations regarding physical fitness and psychological requirements of police officers.

Executive Law Section 845(1) requires the Division to maintain a Central State Registry of Police Officers and Peace Officers. Executive Law Section 845(2) requires employers to notify the Division when an officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. Executive Law

Executive Law section 845(3) authorizes the Division to establish rules and regulations for a permanent system of identification for each police officer, and a process when there is a discrepancy in reporting by employers.

Pursuant to General Municipal Law Section 209-q(1), a certificate of completion attesting to the fulfillment of the training requirements for police officers shall immediately be deemed invalid when an officer ceases to serve and the reason is removal for cause.

2. Legislative objectives: Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

3. Needs and benefits: The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

4. Costs:

The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;

- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;

- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;

- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Local government mandates: police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

6. Paperwork: The employers may have paperwork within its agency. However, each employer shall submit all information required to be reported to the Division in the manner prescribed by the Division, such as utilizing the Division's web-based records management system (or its successor).

7. Duplication: There are no other federal or State legal requirements that duplicate the proposed rule.

8. Alternatives: There are no alternatives. The existing rule required modification pursuant to legislation.

9. Federal standards: There are no federal standards.

10. Compliance schedule: Regulated parties are expected to be able to achieve compliance with the proposed rule beginning October 16, 2021.

Regulatory Flexibility Analysis

1. Effect of rule: The proposed rule applies to municipal police departments in New York State. The proposal does not apply to small businesses.

2. Compliance requirements: Part BBB of Chapter 59 of the Laws of 2021 establishes the "New York State Professional Policing Act of 2021" to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background

investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

3. Professional services: Professional printing and/or IT services may be needed to comply with the proposed rule.

4. Compliance costs: The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;
- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;
- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;
- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Economic and technological feasibility: No economic or technological impediments to compliance have been identified.

6. Minimizing adverse impact: Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

7. Small business and local government participation: The amendments were discussed by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City. The proposal does not apply to small businesses.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: The rule applies to every municipal police department in New York State. Many law enforcement agencies are located in rural areas.

2. Reporting, recordkeeping and other compliance requirements; and professional services: Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021” to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced minimum background investigations. The amendments will also redefine removal for cause and establish a process for the Division to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified may be ineligible for future certifications; thus, they may be prohibited from being a police officer in New York.

Professional printing and/or IT services may be needed to comply with the proposed rule.

3. Costs: The costs to the regulated parties, the agency, or state and local governments expected for the implementation of and continuing compliance with the rule are undetermined and may vary, and are contingent upon:

- Training on the new law, regulations, and requirements;
- Background investigations of police officer candidates, including, but not limited to, fingerprint-based criminal history searches, and polygraph examinations, unless prohibited by law. Many departments are currently conducting thorough checks;

- Psychological reviews of police officer candidates by a qualified psychiatrist or psychologist. Such psychological reviews are to be performed only after a conditional offer of employment has been given. Many departments are currently conducting such reviews;

- The use of existing resources;
- Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions;

- Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

4. Minimizing adverse impact: Police officer candidates are already required to undergo a medical review, complete the physical fitness screening elements, and meet other relevant pre-offer conditions. The amendments will merely add a requirement for a psychological review and standard minimum background investigation. Employers are already required to report to the Division the names of all police officers who cease to serve with the employer. The proposed regulations will ensure that employers comply with the reporting standards and notify the Division when a police officer ceases to serve due to a leave of absence, resignation, removal, removal for cause, or removal during a probationary period. The amendments also redefine removal for cause.

5. Rural area participation: The amendments were discussed by the Municipal Police Training Council, which consists of members who are sheriffs, chiefs of police or commissioners of police, and the commissioner of New York City.

Job Impact Statement

1. Nature of impact: Part BBB of Chapter 59 of the Laws of 2021 establishes the “New York State Professional Policing Act of 2021” to hold police officers who engage in serious misconduct accountable and prevent bad actors from serving as police officers. These requirements will enhance public safety through the employment of the most effective, professional, and respectful police forces in the nation.

The amendments will create regulatory framework for hiring standards including psychological testing and enhanced background investigations. The amendments will also redefine removal for cause and establish a process for the Division of Criminal Justice Services (Division) to correct any material inaccuracy reported by a law enforcement agency which affects the certification standing of an officer. Police officers who have been decertified maybe ineligible for future certifications; thus, they may be prohibited from being employed as a police officer in New York.

2. Categories and numbers affected: The categories of jobs affected would be municipal police officers; however, it is difficult to estimate the number of jobs at issue.

3. Regions of adverse impact: The proposed rule applies equally throughout New York State. Prior to implementation of Chapter 59 of the laws of 2021, the New York City Police Department was exempt from the Municipal Police Training Council training requirements/certificate.

4. Minimizing adverse impact: When it shall appear to the Commissioner of the Division (or the Commissioner’s designee) that there is a material inaccuracy in an employer’s reporting of the reason an officer ceased to serve, the commissioner shall attempt to resolve the perceived inaccuracy. If such attempt does not promptly resolve the discrepancy, the Commissioner shall issue a notice to the employer and the officer who is the subject of such notification of the Commissioner’s intent to amend the inaccuracy of such record.

Within 15 days of the receipt of said notice, the employer or the officer may forward to the Commissioner a written request for a hearing to be held by the Municipal Police Training Council to consider the accuracy of the agency’s reporting of the reason an officer ceased to serve.

Assessment of Public Comment

The 60-day public comment period commenced on October 20, 2021. The comment(s) received are still under review and consideration. Once complete, the Division of Criminal Justice Services will provide a summary of comments and any revisions made as a result of those comments; and whether the rule will be adopted on a permanent basis (minor changes) or if there are significant changes warranting another public comment period.

Department of Environmental Conservation

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Regulations Governing Recreational Fishing of Scup and Black Sea Bass

I.D. No. ENV-27-22-00006-EP

Filing No. 462

Filing Date: 2022-06-21

Effective Date: 2022-06-21

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

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

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

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

Specific reasons underlying the finding of necessity: This rule making is necessary for New York State to implement and remain in compliance with recent Atlantic States Marine Fisheries Commission (ASMFC) changes to recreational scup and black sea bass harvest. The proposed regulations were developed in response to the ASMFC and Mid-Atlantic Fishery Management Council (MAFMC) requiring recreational harvest reductions for scup and black sea bass. The proposed amendments will implement the recreational harvest decreases required by ASMFC and MAFMC. For black sea bass, changes are proposed to the size limit and possession limit, and for scup, changes are proposed to the size limit.

DEC is adopting these changes in order to protect the general welfare of New York State, and particularly those who participate in these commercial fisheries, by complying with ASMFC fishery management plan requirements. If ASMFC determines that New York is non-compliant, it sends notice of New York's non-compliance to the U.S. Secretary of Commerce. The Secretary of Commerce could then promulgate and enforce a complete closure of New York's scup and black sea bass recreational fisheries if they concur with ASMFC's non-compliance determination.

Subject: Regulations governing recreational fishing of scup and black sea bass.

Purpose: To reduce the recreational harvest of scup and black sea bass in New York.

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

Species Striped bass through Winter flounder remain the same.
Species Scup and Black sea bass are amended to read as follows:
40.1(f) Table A – Recreational Fishing.

| Species | Open Season | Minimum Length | Possession Limit |
|--|-------------------|----------------|------------------|
| Scup (porgy) licensed party/charter boat anglers**** | Jan. 1 – Aug. 31 | [9"] 10" TL | 30 |
| | Sept. 1 – Oct. 31 | [9"] 10" TL | 50 |
| | Nov. 1 – Dec. 31 | [9"] 10" TL | 30 |
| Scup (porgy) all other anglers | All year | [9"] 10" TL | 30 |
| Black sea bass | June 23 – Aug. 31 | [15"] 16" TL | 3 |
| | Sept. 1 – Dec. 31 | [15"] 16" TL | [7] 6 |

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 18, 2022.

Text of rule and any required statements and analyses may be obtained from: Rachel Sysak, Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, New York 11754, (631) 444-0469, email: rachel.sysak@dec.ny.gov

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

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

Additional matter required by statute: The Department has determined that the Notice of Emergency Adoption is a Type II action and no further review is required pursuant to article 8 of the ECL, the State Environmental Quality Review Act. The Department has determined that the Notice of Proposed Rule Making is an unlisted action pursuant to article 8 of the ECL, and a Short Environmental Assessment Form and negative declaration have been prepared and are on file. A Coastal Assessment Form is also on file.

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) §§ 13-0105, 13-0340-e, and 13-0340-f authorize the New York State Department of Environmental Conservation (Department) to establish by regulation the open season, size, catch limits, possession and sale restrictions, and manner of taking for scup and black sea bass.

2. Legislative objectives:

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

3. Needs and benefits:

The proposed regulations were developed in response to the Atlantic States Marine Fisheries Commission (ASMFC) and Mid-Atlantic Fishery Management Council (MAFMC) requiring recreational harvest reductions for scup and black sea bass after multiple years of exceeding the recreational harvest limit for both species coastwide. The proposed amendments will implement the recreational harvest decreases required by ASMFC and MAFMC. For black sea bass, changes are proposed to the size limit and possession limit, and for scup, changes are proposed to the size limit.

DEC is adopting these changes in order to protect the general welfare of New York State, and particularly those who participate in these commercial fisheries, by complying with ASMFC fishery management plan requirements. If ASMFC determines that New York is non-compliant, it sends notice of New York's non-compliance to the U.S. Secretary of Commerce. The Secretary of Commerce could then promulgate and enforce a complete closure of New York's scup and black sea bass recreational fisheries if they concur with ASMFC's non-compliance determination.

4. Costs:

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

5. Local government mandates:

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

6. Paperwork:

Regulated parties are not expected to experience an increase in paperwork as a result of the proposed regulations.

7. Duplication:

The amendment does not duplicate any state or federal requirement.

8. Alternatives:

New York State marine recreational fishers had an opportunity to comment upon new recreational fishing measures for scup and black sea bass, including the measures proposed in this rulemaking, during the Marine Resource Advisory Council (MRAC) meeting on March 8, 2022. Alternative management measures, which included various combinations of possession limits, size limits, and seasons, were suggested and discussed. While some fishers questioned why measures could not be less restrictive, attendees generally favored the measures included in this rule making when compared to alternative options. Pursuant to Environmental Conservation Law section 13-0105, a majority of MRAC members voted in favor of the proposed regulations in this rulemaking.

"No action" alternative: If New York were to not adopt regulations that reduced recreational scup and black sea bass recreational harvest in 2022, the State would be out of compliance with ASMFC requirements, which could result in the complete closure of New York's scup and black sea bass fisheries.

9. Federal standards:

The amendments to Part 40 are in compliance with the ASMFC and MAFMC's Fishery Management Plans for scup and black sea bass.

10. Compliance schedule:

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

Regulatory Flexibility Analysis

1. Effect of rule:

This rule making will implement new Atlantic States Marine Fisheries Commission requirements for recreational scup and black sea bass harvest.

The proposed rules for scup and black sea bass are more restrictive than the regulations in place during 2021. In 2021, there were 504 licensed party and charter businesses, and a number of retail and wholesale marine bait and tackle shops operating in New York State. Data available from the National Oceanic and Atmospheric Administration's 2021 Marine Recreational Information Program estimates that there were 1,283,257 trips targeting scup and 318,752 trips targeting black sea bass in New York during 2021. The proposed amendment increases the size limit for scup and black sea bass and decreases the possession limit for black sea bass during the second half of the open season. This could result in a loss of fishing opportunities and will decrease the number of fish that can be harvested recreationally.

2. Compliance requirements:

The proposed regulation would not require reporting or recordkeeping requirements for small businesses or local governments.

3. Professional services:

Small businesses and local governments would not require any professional services to comply with the proposed regulation.

4. Compliance costs:

The proposed rule would not require capital costs be incurred by small businesses or local governments.

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses in order to comply with the changes. The proposed regulations may decrease the income of some party and charter businesses, marinas, and marine bait and tackle shops that depend upon the recreational scup and black sea bass.

6. Minimizing adverse impact:

This rule making is necessary for New York State to remain in compliance with recent ASMFC changes to recreational scup and black sea bass harvest. The proposed regulations were developed in response to the ASMFC and Mid-Atlantic Fishery Management Council (MAFMC) recreational harvest reductions for scup and black sea bass. The proposed amendment is consistent with these requirements and will maintain New York's compliance with the applicable fishery management plans.

Ultimately, if New York were to not adopt regulations that reduce recreational scup and black sea bass recreational harvest in 2022, the State would be out of compliance with ASMFC requirements, which could result in the complete closure of New York's scup and black sea bass recreational fisheries. A closure would have a large economic impact on the recreational industries that rely on these fisheries.

7. Small business and local government participation:

New York State marine recreational fishers, party and charter businesses, and retail and wholesale marine bait and tackle shops had an opportunity to comment on the proposed scup and black sea bass measures during the Marine Resource Advisory Council Meeting on March 8, 2022. Alternative management measures, which included various combinations of possession limits, size limits, and seasons, were suggested and discussed. While some fishers questioned why measures could not be less restrictive, support was in favor of the measures included in this rule making when compared to alternative options. Pursuant to Environmental Conservation Law section 13-0105, a majority of MRAC members voted in favor of the proposed regulations in this rulemaking.

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

Pursuant to the State Administrative Procedure Act § 202-b(1-a)(b) (SAPA), a cure period is not included in the rule because of the potential adverse impact on the resource. Cure periods for the illegal taking of fish or wildlife are neither desirable nor recommended. Immediate compliance is required to ensure that the general welfare of the public and the resource are both protected.

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

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

Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) has determined that this rule will not impose any adverse impacts on rural areas. This rule making only affects the Marine and Coastal District of the

State; there are no rural areas within the Marine and Coastal District. The scup and black sea bass fisheries are entirely located within the Marine and Coastal District and are not located adjacent to any rural areas of the State. The proposed rule will not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas will be affected by the proposed amendments to 6 NYCRR Part 40, the Department has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

This rule making will decrease the harvest of scup and black sea bass in New York by implementing new rules for recreational fishers. The proposed amendment will adopt the following provisions: The recreational minimum size limit for scup will increase from 9 to 10 inches. The recreational minimum size for black sea bass will increase from 15 to 16 inches and the possession limit, from September 1 through December 31, will decrease from 7 fish to 6 fish.

2. Categories and numbers affected:

In 2021, there were 504 licensed party and charter businesses, and a number of retail and wholesale marine bait and tackle shops operating in New York State. Data available from the National Oceanic and Atmospheric Administration's (NOAA) 2021 Marine Recreational Information Program estimates that there were 1,283,257 trips targeting scup and 318,752 trips targeting black sea bass in New York during 2021. These statistics do not include federally permitted commercial vessels operating out of New York State. NOAA's 2017 report on The Economic Contribution of Marine Angler Expenditures on Durable Goods in the United States estimates that recreational angler expenditures contributed 5,739 jobs to the state's economy, and \$473 million to the state's gross domestic product.

3. Regions of adverse impact:

The proposed regulation contains measures that are more restrictive than regulations in place for the 2021 season and could adversely impact recreational fishers and associated businesses throughout most of New York's Marine and Coastal District. By increasing the minimum size limit for both species, and reducing the possession limit for black sea bass, the proposed amendment will effectively decrease the number of scup and black sea bass that can be kept. This could result in a loss of revenue for some recreational fishers, retail and wholesale bait and tackle shops, and party or charter boat license holders. These effects could be more pronounced for recreational black sea bass fishers since they will experience the most reductions to harvest.

4. Minimizing adverse impact:

New York State marine recreational fishers had an opportunity to comment on new recreational fishing measures for scup and black sea bass, including the measures proposed in this rulemaking, during the Marine Resource Advisory Council (MRAC) Meeting on March 8, 2022. Alternative management measures, which included various combinations of possession limits, size limits, and seasons, were suggested and discussed. While some fishers questioned why measures could not be less restrictive, attendees generally favored the measures included in this rule making when compared to alternative options. Pursuant to Environmental Conservation Law section 13-0105, a majority of MRAC members voted in favor of the proposed regulations in this rulemaking.

To remain in compliance with applicable fishery management plans, New York must reduce the harvest of black sea bass and scup. Failing to implement these new measures will place New York out of compliance with ASMFC requirements and could result in a complete closure of New York's scup and black sea bass recreational fisheries.

5. Self-employment opportunities:

Party and charter boat businesses, bait and tackle shops, and marinas are, for the most part, small businesses, owned and often operated by a single owner. The recreational fishing industry is mostly self-employed. This rule will likely have an adverse impact upon businesses related to the recreational harvest of scup and black sea bass. However, maintaining compliance with the ASMFC reductions for recreational scup and black sea bass harvest will prevent potential federal closure of these fisheries for noncompliance.

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

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

Department of Financial Services

EMERGENCY RULE MAKING

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

I.D. No. DFS-27-22-00001-E

Filing No. 439

Filing Date: 2022-06-15

Effective Date: 2022-06-15

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

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

Specific reasons underlying the finding of necessity: COVID-19 has spread to hundreds of millions of people worldwide, with more than 5.5 million confirmed cases and over 68,000 deaths in New York State since March 2020. COVID-19 remains a concern, most especially for persons with underlying health conditions that may make them more susceptible to poor medical outcomes if infected with the virus. Given the public health implications related to COVID-19, it is essential that the Department of Financial Services (“Department”) promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

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

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

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

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

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

§ 2.19 Hearings conducted by videoconference.

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

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

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

(d) *In the event that the hearing officer receives a timely written objection to conducting the hearing by videoconference in accordance with subdivision (c) of this section, the hearing officer may determine that the hearing shall not be conducted by videoconference and shall be conducted*

with the respondent or applicant and the hearing officer physically present at the same location, when in the judgment of the hearing officer:

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire September 12, 2022.

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

Regulatory Impact Statement

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

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

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

FSL Section 202 establishes the Office of the Superintendent.

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

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

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

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

3. Needs and benefits: COVID-19 has spread to hundreds of millions of people worldwide, with more than 5.5 million confirmed cases and over 68,000 deaths in New York State since March 2020. COVID-19 remains a concern, most especially for persons with underlying health conditions that may make them more susceptible to poor medical outcomes if infected with the virus. Given the public health implications related to COVID-19, it is essential that the Department of Financial Services (“Department”) promulgate regulations that implement protective measures, whenever possible, to help stop its spread.

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

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

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

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

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

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

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

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

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

Regulatory Flexibility Analysis

The Department of Financial Services finds that this rule making, which adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department's discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent's or applicant's due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation, does not impose any additional burdens on persons located in rural areas, and will not have an adverse impact on rural areas because it applies uniformly to all persons that are resident or do business in both rural and non-rural areas of New York State.

Rural Area Flexibility Analysis

The Department of Financial Services finds that this rule making, which adds a new section 2.19 to 23 NYCRR Part 2, specifying that the Department may conduct administrative hearings by videoconference at the Department's discretion so that parties and hearing officers do not have to be physically present at the same location during hearings, subject to a determination by the hearing officer upon a timely objection filed by the respondent or applicant that a hearing held by videoconference would either impinge upon the respondent's or applicant's due process rights, or would be fundamentally unfair or impractical, as expressed in section 2.19(d) of the regulation, does not impose any additional burdens on persons located in rural areas, and will not have an adverse impact on rural areas because it applies uniformly to all persons that are resident or do business in both rural and non-rural areas of New York State.

Job Impact Statement

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

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

EMERGENCY RULE MAKING

Consolidated Rulemaking Regarding Peer-To-Peer Car Sharing

I.D. No. DFS-27-22-00002-E

Filing No. 449

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: Amendment of Parts 27, 169, 216, Subparts 60-1, 60-2, 65-1, 65-3, 65-4; addition of new Subpart 60-4 to Title 23 NYCRR.

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

Law, sections 301, 2105, 2118, 2305, 2307, 2334, 2335, 2601, 3420, 3458, 3459, 3460, 5102, 5103, 5105, 5106, arts. 23, 51; General Business Law, art. 40; L. 2021, ch. 795; L. 2022, ch. 129

Finding of necessity for emergency rule: Preservation of general welfare. **Specific reasons underlying the finding of necessity:** Chapter 795 of the Laws of 2021 ("Chapter 795"), as amended by Chapter 129 of the Laws of 2022 ("Chapter 129"), established a new General Business Law Article 40 regarding peer-to-peer car sharing ("car sharing") programs, and amended and added other laws, such as Insurance Law section 3458, to implement General Business Law Article 40. The Governor signed into law Chapter 795 on December 22, 2021, and Chapter 129 on February 24, 2022. These chapters take effect June 20, 2022.

A car sharing program is a program that facilitates the sharing of a motor vehicle. A car sharing program administrator ("administrator") is a person or entity who, for financial consideration, is responsible for operating, facilitating, or administering the means, digital or otherwise, by which a business platform facilitates a car sharing program. Under the new law, an administrator must, among other things, procure a group insurance policy that provides financial responsibility insurance when a vehicle is being used or operated through a car sharing program and that group policy, and not the owner's policy of liability insurance, will provide primary coverage when the vehicle is being shared.

In order to implement Chapters 795 and 129, regulations are required to establish the minimum financial responsibility requirements of General Business Law Article 40 and to update existing regulations to ensure that minimum insurance requirements are in place at all times with appropriate protections for vehicle owners, drivers, and the public.

It is critical for the protection of the public that appropriate rules and regulations be in place in advance of the effective dates of Chapters 795 and 129. Due to the short time frame before the new laws take effect, it is necessary to promulgate the rulemaking on an emergency basis for the benefit of the general welfare.

Subject: Consolidated rulemaking regarding peer-to-peer car sharing.

Purpose: To ensure consumers have appropriate insurance protection when using or operating a vehicle through a car sharing program.

Substance of emergency rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/emergency_insurance):

Section 27.5(d)(3) is added to provide that an excess line insurance placement may be completed and executed by an excess line broker or producing broker, on behalf of shared vehicle owners and shared vehicle drivers of a peer-to-peer car sharing program administrator, when a group policy has been obtained by an administrator as the group policyholder pursuant to Insurance Law section 3458, with respect to coverages provided without option by the group policyholder.

Section 27.10(a) is amended to add a reference to Insurance Law section 3458.

Section 60-1.2(b) and (i)(3) are amended to make technical edits and a new subdivision (j) is added to section 60-1.2 to permit an owner's policy of liability insurance to exclude coverage while the motor vehicle is being used through a peer-to-peer car sharing program during the peer-to-peer car sharing period.

Section 60-1.5(e)(5) is amended to make clear that a "rental vehicle" does not include a motor vehicle used through a peer-to-peer car sharing program.

With respect to Section 60-1.5(h), Rental Vehicle Coverage Endorsement, (c)(2) and (e) of Definitions are amended to make technical amendments and to make clear that a "rental vehicle" does not include a motor vehicle used through a peer-to-peer car sharing program.

A new section 60-1.9 is added to provide that an owner's policy of liability insurance is not required to provide excess coverage over a group policy issued pursuant to General Business Law Article 40 until February 1, 2024, where the insurer that issued the owner's policy of liability insurance has filed with the Department a coverage exclusion under 11 NYCRR section 60-1.2(j). Every insurer writing an owner's policy of liability insurance must provide an annual written notice to the named insured under such a policy advising the named insured whether, or to what extent, it provides coverage under the policy while the vehicle is being used as a shared vehicle pursuant to General Business Law Article 40. The notice must also state whether the insurer makes such coverage available on an optional basis.

Section 60-2.0(a)(1) is amended to state that this Subpart implements General Business Law section 901(2)(c), which requires minimum SUM coverage on a group policy satisfying the financial requirements of that subdivision.

Section 60-2.0(d)(2) is amended to add a reference to the definition of "commercial risk insurance" to a vehicle used or operated by a shared vehicle driver in accordance with General Business Law Article 40 and to make technical amendments.

Section 60-2.0(d)(3) is amended to make technical amendments and a

new paragraph (4) is added to provide that the terms “group policy”, “peer-to-peer car sharing period”, “peer-to-peer car sharing program”, “peer-to-peer car sharing program administrator”, and “shared vehicle driver” have the meanings set forth in General Business Law section 900.

Section 60-2.1(g) is amended to require an insurer providing coverage in satisfaction of the financial responsibility requirements of General Business Law Article 40 to provide SUM coverage in the amount of \$1,250,000 because of bodily injury to or death of one or more persons in any one accident, while the motor vehicle is used or operated under a peer-to-peer car sharing program during the peer-to-peer car sharing period.

A new section 60-2.2(a)(3) is added to require that every insurer writing a group policy in satisfaction of the financial responsibility requirements of General Business Law Article 40 must, with respect to all new and renewal policies, provide a written notice in concise language that includes certain specified information.

With respect to Section 60-2.3(f), Insuring Agreements, III. SUM Coverage Period and Territory, provisions of Exclusions are amended to provide that SUM coverage does not apply to bodily injury to an insured incurred while the insured motor vehicle is used through a peer-to-peer car sharing program during the peer-to-peer car sharing period pursuant to General Business Law Article 40. In addition, footnotes 2, 7, and 8 are amended, footnotes 4-8 are renumbered as footnotes 5-9, and a new footnote 4 is added that provides that an insurer may delete the new exclusion, except an insurer that issues a group policy pursuant to General Business Law Article 40 must delete this exclusion.

A new Subpart 60-4 is added to Part 60 and is entitled “Peer-to-Peer Car Sharing Program: Minimum Provisions for Group Policies and Other Requirements.”

Section 65-1.1(a) is amended to reference General Business Law Article 40.

With respect to Section 65-1.1(d), Mandatory Personal Injury Protection Endorsement, subdivisions (k) and (l) of Exclusions are amended to make technical amendments and a new subdivision (m) is added to reference any person who is injured while an insured motor vehicle is being used or operated by a shared vehicle driver pursuant to General Business Law Article 40. In addition, footnotes 1 and 6 are amended, footnotes 6 through 12 are renumbered as footnotes 7 through 13, and a new footnote 6 is added to provide that an insurer may not include the exclusion in a policy used to satisfy the requirements under General Business Law Article 40.

With respect to Section 65-1.3(c), Additional Personal Injury Protection Endorsement, subdivisions (h) and (i) of Exclusions are amended to make technical amendments and a new subdivision (j) is added to reference any person who is injured while the insured motor vehicle is being used or operated by a shared vehicle driver pursuant to General Business Law Article 40. Moreover, footnotes 19 through 23 are renumbered as footnotes 20 through 24, and a new footnote 19 is added to provide that the exclusion may be deleted in the event the insurer wishes to provide coverage under the indicated circumstance. An insurer may not include this exclusion in a policy used to satisfy the requirements under General Business Law Article 40.

With respect to Section 65-1.3(c), Additional Personal Injury Protection Endorsement, footnote 15 is amended to provide that if the policy is a group policy under General Business Law Article 40, then the insurer may substitute certain language.

Section 65-3.12(b)(2)(i) is amended to reference Insurance Law section 3458 and a peer-to-peer car sharing program administrator and program.

A new Section 65-3.12(b)(4) is added to provide that with respect to any accident, insured event, or occurrence, where a shared vehicle driver was using or operating a motor vehicle pursuant to General Business Law Article 40 when loss, damage, injury, or death occurs: (1) an insurer that issued a group policy pursuant to Insurance Law section 3458 may not seek to recover any amount that it pays pursuant to Insurance Law Article 51 from the insurer that issued the owner’s policy of liability insurance issued in satisfaction of the minimum requirements of Vehicle and Traffic Law Article 6; and (2) if an insurer that issued the owner’s policy of liability insurance issued in satisfaction of the minimum requirements of Vehicle and Traffic Law Article 6 receives the claim first, the insurer that issued a group policy must fully indemnify the insurer that issued the owner’s policy of liability insurance for amounts that it pays pursuant to Insurance Law Article 51.

Section 169.1(d)(1) is amended to make technical amendments and provide that no points or surcharge may be imposed for an accident occurring when an insured or other resident in the insured’s household has had an accident while, pursuant to General Business Law Article 40, the insured or other resident was operating a shared vehicle through a peer-to-peer car sharing program during the peer-to-peer car sharing period, unless the policy is providing coverage for such operation of the motor vehicle. If the coverage is provided pursuant to an endorsement, then the insurer may impose a surcharge on the separate premium for the endorsement.

Section 216.2(e) is amended to reference Insurance Law section 3458.

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 September 14, 2022.

Text of rule and any required statements and analyses may be obtained from: Joana Lucashuk, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-2125, email: Joana.Lucashuk@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: The Superintendent’s authority to promulgate this rulemaking derives from Financial Service Law (“FSL”) sections 202 and 302, Insurance Law (“IL”) sections 301, 2105, 2118, 2305, 2307, 2334, 2335, 2601, 3420, 3458, 3459, 3460, 5102, 5103, 5105, and 5106 and Articles 23 and 51, General Business Law (“GBL”) Article 40, Chapter 795 of the Laws of 2021 (“Chapter 795”), and Chapter 129 of the Laws of 2022 (“Chapter 129”).

FSL section 202 establishes the office of the Superintendent and designates the Superintendent as the head of the Department of Financial Services (“Department”).

FSL section 302 and Insurance Law section 301 authorize the Superintendent to effectuate any power accorded to the Superintendent by the Insurance Law, the Banking Law, the Financial Services Law, or any other law of this state and to prescribe regulations interpreting the Insurance Law, among other things.

IL sections 2105 and 2118 govern excess line brokers and excess line placements.

IL Article 23 applies generally to property/casualty insurance rates and forms. Sections 2305 and 2307 apply to prior approval of certain rates and policy forms. IL sections 2334 and 2335 govern merit rating plans for non-commercial private passenger automobile insurance and surcharges on motor vehicle liability insurance rates with respect to certain accidents and traffic infractions.

IL section 2601 prohibits unfair claim settlement practices in this State.

IL section 3420 establishes the minimum provisions for liability policies in this State and governs uninsured and supplementary uninsured/underinsured motorist coverage.

IL section 3428 governs car sharing group insurance policies.

IL section 3459 governs car sharing exclusions for motor vehicle insurance policies.

IL section 3460 prohibits cancellation of a policy when a motor vehicle is used or operated through a car sharing program.

IL Article 51 governs no-fault insurance. Sections 5102, 5103, 5105, and 5106 implement provisions regarding no-fault insurance as they apply to use of motor vehicles through a car sharing program.

Chapter 795, as amended by Chapter 129, established a new General Business Law Article 40 and made certain amendments to the Insurance Law, among other laws, to legalize peer-to-peer car sharing (“car sharing”) in New York. General Business Law Article 40 governs car sharing in New York.

2. Legislative objectives: To legalize car sharing in New York and permit group insurance for car sharing.

3. Needs and benefits: Chapter 795, as amended by Chapter 129, legalized car sharing in New York and takes effect June 20, 2022. A car sharing program is a program that facilitates the sharing of a motor vehicle. A car sharing program administrator (“administrator”) is a person or entity who, for financial consideration, is responsible for operating, facilitating, or administering the means, digital or otherwise, by which a business platform facilitates a car sharing program. An administrator does not include a person or entity engaged in the business of renting or leasing rental vehicles. Under the new law, an administrator must, among other things, procure a group insurance policy that provides financial responsibility insurance when a vehicle is being used or operated through a car sharing program and that group policy, and not the owner’s policy of liability insurance, will provide primary coverage when the vehicle is being shared. An administrator may procure the group policy from the excess line market if not available from authorized insurers.

This rulemaking accords with the Legislature’s public policy objectives by amending existing and adding new requirements to conform to the amendments made by Chapters 795 and 129 and ensuring that minimum insurance requirements are always in place with appropriate protections for vehicle owners, drivers, and the public.

4. Costs: Authorized insurers may incur costs to file new policy rates and forms. However, that is the consequence of Chapters 795 and 129 and not this rulemaking. Insurers also may incur a cost to provide certain notices to insureds, such as notices to insureds regarding whether the insured’s owner’s policy of liability insurance provides coverage when the vehicle is shared through a car sharing program.

Excess line brokers may incur costs because the broker must provide a

written affirmation annually of the unavailability of coverage from authorized insurers if the group policy is procured from the excess line market. However, this is a consequence of Chapters 795 and 129 and not of the rulemaking. The rulemaking also requires the broker to obtain commitments from the unauthorized insurer. This should present no significant additional costs to the broker.

Administrators may incur costs if the group policy lapses because the rulemaking requires the administrator to be subject to 11 NYCRR 65-3 and 11 NYCRR 65-4.

The Department may incur costs to review the new policy rates and forms that authorized insurers may file to implement Chapters 795 and 129. While it is not expected that there will be many group insurance policy forms and rates filed, most insurers writing motor vehicle insurance may file exclusions to their owner's liability insurance policies for vehicles used or operated through a car sharing program. However, any additional costs incurred should be minimal and the Department should be able to absorb such costs in its ordinary budget.

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

6. Paperwork: Authorized insurers may need to file new policy forms and rates and insurers will need to provide certain notices to insureds. Excess line brokers must provide a written affirmation annually of the unavailability of coverage from authorized insurers if the group policy is procured from the excess line market and must obtain a commitment from the unauthorized insurer.

7. Duplication: This rulemaking does not duplicate, overlap, or conflict with any existing State or federal rules or other legal requirements.

8. Alternatives: The Department considered not promulgating the rulemaking. However, the rulemaking is necessary to conform to the changes made by Chapters 795 and 129.

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

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

Regulatory Flexibility Analysis

1. Effect of rule: This consolidated rulemaking amends existing and adds new requirements applicable to motor vehicle insurance to conform to Chapter 795 of the Laws of 2021 and Chapter 129 of the Laws of 2022, which legalized peer-to-peer car sharing ("car sharing") in New York and permitted group insurance for car sharing pursuant to General Business Law Article 40 and Insurance Law section 3458. The rulemaking applies to insurers providing motor vehicle insurance in New York, licensed excess line brokers, and peer-to-peer car sharing administrators ("administrators").

Industry has asserted in the past that certain insurers, in particular mutual insurers, subject to the rulemaking fall within the definition of a "small business" as defined by State Administrative Procedure Act section 102(8) because in general they are independently owned and have fewer than 100 employees.

Certain portions of the rulemaking also apply to licensed excess line brokers. There are approximately 1,377 business entities and 3,317 individuals licensed as excess line brokers in New York. Many of these brokers may be small businesses but we do not know how many are.

Certain portions of the rulemaking will also affect administrators, which may be small businesses.

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

Authorized insurers that are small businesses may need to file new policy forms and rates. However, that is the consequence of Chapters 795 and 129 and not this rulemaking. Insurers that are small businesses will need to provide certain notices to insureds, including a notice from an authorized insurer upon issuance and renewal regarding whether and, if so, to what extent, an owner's policy of liability insurance provides coverage when the vehicle is used or operated through a car sharing program.

Excess line brokers that are small businesses must provide written affirmations annually of the unavailability of coverage from authorized insurers if the group policy is procured from the excess line market and must obtain commitments from the unauthorized insurers.

Administrators that are small businesses will be subject to 11 NYCRR 65-3 and 11 NYCRR 65-4 if the group policy lapses.

3. Professional services: No local government will need professional services to comply with this rulemaking because the rulemaking does not apply to any local government. The Department of Financial Services ("Department") does not anticipate that any insurer, excess line broker, or administrator that is a small business affected by the rulemaking, if any, should need to retain professional services, such as lawyers or auditors, to comply with this rulemaking.

4. Compliance costs: Authorized insurers may incur costs to file new policy rates and forms. However, that is the consequence of Chapters 795 and 129 and not this rulemaking. Insurers also may incur a cost to provide certain notices to insureds, such as notices to insureds regarding whether the insured's owner's policy of liability insurance provides coverage when the vehicle is shared through a car sharing program.

Excess line brokers that are small businesses may incur costs because the broker must provide a written affirmation annually of the unavailability of coverage from authorized insurers if the group policy is procured from the excess line market. However, this is a consequence of Chapters 795 and 129 and not of the rulemaking. The rulemaking also requires the broker to obtain commitments from the unauthorized insurer. This should present no significant additional costs to the broker.

Administrators may incur costs if the group policy lapses because the rulemaking requires the administrator to be subject to 11 NYCRR 65-3 and 11 NYCRR 65-4.

5. Economic and technological feasibility: This rulemaking does not apply to any local government; therefore, no local government should experience any economic or technological impact because of the rulemaking. No insurer, excess line broker, or administrator that is a small business affected by the rulemaking, if any, should experience any economic or technological impact because of the rulemaking.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the rulemaking does not apply to any local government. This rulemaking should not have an adverse impact on an insurer, excess line broker, or administrator that is a small business affected by the rulemaking, if any, because the rulemaking uniformly affects all insurers, excess line brokers, and administrators that are subject to the rulemaking.

7. Small business and local government participation: Small businesses and local governments will have an opportunity to participate in the rulemaking process when the rule is published in the State Register and posted on the Department's website.

Rural Area Flexibility Analysis The Department of Financial Services ("Department") finds that this consolidated rulemaking will not have any adverse economic impact or impose compliance requirements on rural areas. The rulemaking applies uniformly to insurers, licensed excess line brokers, and peer-to-peer car sharing administrators ("administrators") that do business in both rural and non-rural areas of New York State. Insurers, excess line brokers, and administrators, including those located in rural areas, will have an opportunity to participate in the rule-making process when the rule is published in the State Register and posted on the Department's website.

Job Impact Statement

The Department of Financial Services finds that this consolidated rulemaking will not have a substantial adverse impact on jobs and employment opportunities. The rulemaking implements Chapter 795 of the Laws of 2021 and Chapter 129 of the Laws of 2022, which legalized peer-to-peer car sharing in New York, and in doing so aims to ensure that consumers will have appropriate insurance protection when using or operating a vehicle through a car sharing program.

NOTICE OF WITHDRAWAL

Registration of Pharmacy Benefit Managers

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

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

Action taken: Notice of proposed rule making, I.D. No. DFS-24-22-00001-EP, has been withdrawn from consideration. The notice of proposed rule making was published in the *State Register* on June 15, 2022.

Subject: Registration of Pharmacy Benefit Managers.

Reason(s) for withdrawal of the proposed rule: The Department of Financial Services' proposed new Part 451 to 11 NYCRR was filed with the Department of State on May 23, 2022 and published in the State Register on June 8, 2022. (State Register I.D. No. DFS-23-22-00004-P)

The duplicate filing of the proposed new Part 451 to 11 NYCRR on May 25, 2022, which was published in the State Register on June 15, 2022, was unintentional and is hereby withdrawn.

The emergency rulemaking adding new Part 451 to 11 NYCRR that was filed on May 25, 2022 and published in the State Register on June 15, 2022 remains in effect and is not withdrawn.

AMENDED
NOTICE OF ADOPTION

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

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

Filing No. 461

Filing Date: 2022-06-21

Effective Date: 2022-07-06

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.

Amended action: This action amends the rule that was filed with the Secretary of State on June 7, 2022, to be effective June 22, 2022, File No. 00408. The notice of adoption, I.D. No. DFS-14-22-00004-A, was published in the June 22, 2022 issue of the *State Register*.

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

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

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

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

§ 2.19 *Hearings conducted by videoconference.*

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

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

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

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

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

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

Amended rule as compared with adopted rule: Nonsubstantive revisions were made in section 2.19(b).

Text of amended 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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required for the adoption of the First Amendment to 23 NYCRR 2 because the non-substantive revision to the regulation does not require a change to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Department of Health

**EMERGENCY
RULE MAKING**

Face Coverings for COVID-19 Prevention

I.D. No. HLT-50-21-00003-E

Filing No. 453

Filing Date: 2022-06-21

Effective Date: 2022-06-21

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

Action taken: Repeal of section 2.60 and Subpart 66-3; addition of new section 2.60 to Title 10 NYCRR.

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

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

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

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

Now, two years after the first cases were identified in the United States, the COVID-19 pandemic continues to impact New York State. Beyond the ongoing COVID-19 burden in communities, certain settings such as crowded indoor spaces, public transit, nursing homes, and health care settings, have been at increased risk for transmission.

To that end, these regulations provide that masking may be required under certain circumstances, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. Based on the foregoing, the Department has determined that these emergency regulations are necessary to permit flexibility to quickly adapt to changing circumstances and increasing transmission rates and control the spread of COVID-19, necessitating immediate action. Accordingly, pursuant to the State Administrative Procedure Act Section 202(6), a delay in the issuance of these emergency regulations would be contrary to public interest.

Subject: Face Coverings for COVID-19 Prevention.

Purpose: To control and promote the control of communicable diseases to reduce their spread.

Text of emergency rule: Subpart 66-3 is hereby repealed.

Section 2.60 is repealed and replaced to read as follows:

2.60. *Face Coverings for COVID-19 Prevention*

(a) *As determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread, any person who is two years of age or older and able to medically tolerate a face-covering may be required to cover their nose and mouth with a mask or face-covering when:* (1) *in a public place and unable to maintain, or when not maintaining, physical distance; or* (2) *in certain settings as determined by the Commissioner, which may include schools, public transit, homeless shelters, correctional facilities, nursing homes, and health care settings, and which may distinguish between individuals who are vaccinated against COVID-19 and those that are not vaccinated. The Commissioner shall issue findings regarding the necessity of face-covering requirements at the time such requirements are announced.*

(b) *Businesses must provide, at their expense, face-coverings for their*

employees required to wear a mask or face-covering pursuant to subdivision (a) of this section.

(c) large-scale indoor event venues with more than five thousand attendees shall require patrons to wear face coverings consistent with subdivision (a) of this section; may require all patrons to wear a face covering irrespective of vaccination status; and may deny admittance to any person who fails to comply. This regulation shall be applied in a manner consistent with the federal Americans with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law.

(d) No business owner shall deny employment or services to or discriminate against any person on the basis that such person elects to wear a face-covering that is designed to inhibit the transmission of COVID-19, but that is not designed to otherwise obscure the identity of the individual.

(e) For purposes of this section face-coverings shall include, but are not limited to, cloth masks, surgical masks, and N-95 respirators that are worn to completely cover a person's nose and mouth.

(f) Penalties and enforcement.

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

(ii) All local health officers shall take such steps as may be necessary to enforce the provisions of this Section accordance with the Public Health Law and this Title.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-50-21-00003-P, Issue of December 15, 2021. The emergency rule will expire August 19, 2022.

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

Regulatory Impact Statement

Statutory Authority:

The statutory authority for adding a new Section 2.60 is sections 201, 206, and 225 of the Public Health Law.

Legislative Objectives:

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

Needs and Benefits:

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

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

Now, two years after the first cases were identified in the United States, the COVID-19 pandemic continues to impact New York State. Beyond the ongoing COVID-19 burden in communities, certain settings such as crowded indoor spaces, public transit, nursing homes, and health care settings, have been at increased risk for transmission. These regulations provide that masking may be required under certain circumstances, as

determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. The regulations are necessary to permit flexibility to allow the Department to quickly adapt to changing circumstances related to the spread of COVID-19 and increasing transmission rates.

Costs:

Costs to Regulated Parties:

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 state since March of 2020. Accordingly, this regulation does not impose additional costs to regulated parties.

Costs to Local and State Governments:

State and local government are authorized to enforce civil and criminal penalties related to the violation of these regulations, and there may be some cost of enforcement, however such costs are anticipated to be minimal as these provisions continue existing enforcement requirements.

Paperwork:

This regulation imposes no additional paperwork.

Local Government Mandates:

As part of ongoing efforts to address the COVID-19 pandemic, local governments have been partners in implementing and enforcing measures to limit the spread and/or mitigate the impact of COVID-19 within their jurisdictions since March of 2020. Further, local governments have separate authority and responsibilities to control disease within their jurisdictions pursuant to PHL § 2100 and Part 2 of the State Sanitary Code.

Duplication:

There is no duplication of federal law.

Alternatives:

The alternative would be to not promulgate these emergency regulations. However, this alternative was rejected, as the Department believes this regulation will facilitate the Department's ability to respond to the evolving nature of this serious and ongoing communicable disease outbreak.

Federal Standards:

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

Compliance Schedule:

The regulations will become effective upon filing with the Department of State and will expire, unless renewed, 60 days from the date of filing. As the COVID-19 pandemic is consistently and rapidly changing, it is not possible to determine the expected duration of need at this point in time. The Department will continuously evaluate the expected duration of these emergency regulations throughout the aforementioned 60-day effective period in making determinations on the need for continuing this regulation on an emergency basis or issuing a notice of proposed ruling-making for permanent adoption. This notice does not constitute a notice of proposed or revised rule making for permanent adoption.

Regulatory Flexibility Analysis

Effect of Rule:

As part of ongoing efforts to address the COVID-19 pandemic, businesses and local government have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Accordingly, this regulation will not have a significant impact on or cost to small business and local government.

Compliance Requirements:

These regulations update previously filed emergency regulations to provide that masking may be required under certain circumstances, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread.

Professional Services:

It is not expected that any professional services will be needed to comply with this rule.

Compliance Costs:

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 state since March of 2020. Accordingly, this regulation will not have a significant impact.

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 state since

March of 2020. Accordingly, any adverse impacts are expected to be minimal.

Small Business and Local Government Participation:

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

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

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

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

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

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

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

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

These regulations update previously filed emergency regulations to provide that masking may be required under certain circumstances, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread.

Costs:

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 state since March of 2020. Accordingly, this regulation does not impose additional costs to regulated parties.

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 state since March of 2020. Accordingly, adverse impacts are expected to be minimal.

Rural Area Participation:

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

Job Impact Statement

The Department of Health has determined that this regulatory change is necessary to prevent further complete closure of the businesses impacted,

and therefore, while there may be lost revenue for many businesses, the public health impacts of continued spread of COVID-19 are much greater.

Assessment of Public Comment

Since the Emergency Regulation was last adopted the Department of Health ("Department") received some additional public comments. The majority of these commenters expressed opposition to the readoption of the emergency regulation and the use of face coverings more broadly. Commenters also expressed concern that the emergency regulation circumvents the regulatory and legislative process and suggested that the Department allow the emergency regulation to lapse. These alternatives were not incorporated into the emergency regulation because it would significantly undermine the Department's ability to control the spread of COVID-19 and would render the emergency regulation ineffective. Based on these additional comments, no changes are being made to the emergency regulation.

**EMERGENCY
RULE MAKING**

Telehealth Services

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

Filing No. 452

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

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

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

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

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

Subject: Telehealth Services.

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

Text of emergency rule: PART 538 State Reimbursement for Telehealth Services

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-12-22-00003-P, Issue of March 23, 2022. The emergency rule will expire August 15, 2022.

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

Regulatory Impact Statement

Statutory Authority:

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

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

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

Legislative Objectives:

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

Needs and Benefits:

These regulatory amendments are needed to ensure continuity of care provided to Medicaid enrollees during the transition from telehealth services provided during the public health emergency and after the public health emergency ends. During the public health emergency, pursuant to Executive Orders that waived certain New York State laws and regulatory requirements related to telehealth, all Medicaid providers were authorized to utilize telehealth, including audio-only telephone or other audio-only technology. Since these Executive Orders expired on June 24, 2021, this regulation is required to authorize Medicaid providers to continuously provide services pursuant to these flexibilities to ensure continuity of care.

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

As many of these flexibilities are intended to be made permanent after the public health emergency through enactment of regulations by the Department, and given that Centers for Medicare and Medicaid Services has authorized continued use of telehealth through modalities that align with Article 29-G of the Public Health Law, the Department is issuing these emergency regulations in order to ensure ongoing and continuous access to telehealth services for Medicaid members. This continuous access is particularly important for members of the Medicaid population who are unable to access services in person, or who continue to be at risk for COVID-19, because they are ineligible for the vaccine, including children under age 12 and individuals for whom the vaccine is currently medically contraindicated.

Costs:

Costs to Regulated Parties:

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

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

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

Local Government Mandates:

The proposed regulations do not impose any new programs, services, duties or responsibilities upon any county, city, town, village, school district, fire district or other special district.

Paperwork:

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

Duplication:

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

Alternatives:

The Department considered the option of not promulgating these emergency regulations, which would create an abrupt halt to certain telehealth flexibilities authorized during the public health emergency and which have proven vital to Medicaid members. In consultation with the Office of Mental Health and Office of Addiction Services and Supports, the Depart-

ment determined that providing continuity of care to Medicaid enrollees during the transition is a public health priority and as such, decided to move forward with these emergency regulations.

Federal Standards:

There are no minimum Federal standards regarding this subject.

Compliance Schedule:

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

Regulatory Flexibility Analysis

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

Cure Period:

Chapter 524 of the Laws of 2011 requires agencies to include a “cure period” or other opportunity for ameliorative action to prevent the imposition of penalties on the party or parties subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one was not included. This regulation creates no new penalty or sanction. Hence, a cure period is not necessary.

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Department of Law

INFORMATION NOTICE

Comments to Advance Notice of Proposed Rulemaking pursuant to N.Y. Gen. Bus. L. § 396-r(5) (Price Gouging)

I. Summary

In March, the New York State Office of the Attorney General (the “Office” or the “Attorney General”) issued an Advance Notice of Proposed Rulemaking (“ANPRM”) to solicit comments, data, and other information to assist the Office in crafting rules to prevent price gouging pursuant to New York General Business Law § 396-r (“GBL 396-r”).¹

The following document includes the full text of the comments received by the Attorney General’s office:

<https://ag.ny.gov/price-gouging-response>

¹The statute authorizes the Attorney General to “promulgate such rules and regulations as are necessary to effectuate and enforce the provisions of this section” N.Y. Gen. Bus. L. § 396-r(5).

Office for People with Developmental Disabilities

EMERGENCY RULE MAKING

Mandatory Face Coverings in OPWDD Settings

I.D. No. PDD-40-21-00002-E

Filing No. 438

Filing Date: 2022-06-15

Effective Date: 2022-06-15

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

Action taken: Addition of section 633.26 to Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 13.07, 13.09(b) and 16.00

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

Specific reasons underlying the finding of necessity: The emergency adoption of a new section, 14 NYCRR 633.26, that requires face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD, is necessary to protect the health, safety, and welfare of individuals who receive these services. This regulation must be issued by emergency regulation giving the increasing transmission of COVID-19 despite vaccines being available. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards.

Subject: Mandatory face coverings in OPWDD settings.

Purpose: To protect public health.

Text of emergency rule: A new section 633.26 is added to read as follows:

633.26 Mandatory Face Coverings

(a) Applicability

(1) This section applies to all agencies providing services or operating facilities that are certified or operated by OPWDD (hereinafter "Providers of Services").

(b) Legal Basis

(1) Section 13.07 of the Mental Hygiene Law charges the OPWDD with the responsibility for seeing that persons with developmental disabilities are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

(2) Section 13.09 of the Mental Hygiene Law gives the commissioner of OPWDD the power and responsibility to adopt regulations that are necessary and proper to implement matters under his or her jurisdiction.

(3) Section 16.00 of the Mental Hygiene Law grants the commissioner of OPWDD the power and responsibility to adopt regulations to effectuate the provisions and purposes of article 16 of such law, including procedures for the issuance and amendment of operating certificates, and for setting standards of quality and adequacy of facilities.

(4) Section 16.11 of the Mental Hygiene Law authorizes the commissioner of OPWDD to provide for the oversight of facilities and providers of services holding operating certificates pursuant to section 16.03 of this article.

(c) Mask wearing requirements

(1) All Providers of Services shall require all staff, volunteers, contractors, vendors, visitors and individuals receiving services to wear appropriate face coverings, consistent with any directives issued by OPWDD and consistent with guidance from the Centers for Disease Control and Prevention (CDC).

(d) Exemptions from face covering requirements

(1) Face coverings are not required to be worn by:

(i) Children under two years of age

(ii) A person with a disability who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability, or

(iii) A person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by an Occupational Health and Safety Administration workplace risk assessment.

(e) Enforcement

(1) OPWDD will enforce this mandate as part of its oversight activities in accordance with the authority set forth in subsection b of this section.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. PDD-40-21-00002-EP, Issue of October 6, 2021. The emergency rule will expire August 13, 2022.

Text of rule and any required statements and analyses may be obtained from: Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, 3rd Floor, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

Additional matter required by statute: Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

Regulatory Impact Statement

1. Statutory authority:

a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in the New York State (NYS) Mental Hygiene Law (MHL) Section 13.07.

b. OPWDD has the statutory authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in the NYS MHL Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in the NYS MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

d. OPWDD has the statutory authority to provide for the oversight of facilities and providers of services holding operating certificates, as stated in the NYS MHL Section 16.11.

2. Legislative objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation adds Title 14 NYCRR Section 633.26 in order to protect individuals receiving services from providers certified or operated by OPWDD.

3. Needs and benefits: The proposed regulation adds Title 14 NYCRR Section 633.26 to require face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. This regulation is necessary to protect the health, safety, and welfare of individuals who receive services from providers that are certified or operated by OPWDD. This regulation is being proposed due to the increasing transmission of COVID-19 and despite vaccines being available. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards.

4. Costs:

a. Costs to the agency and to the State and its local governments: There is no anticipated impact on Medicaid expenditures as a result of the proposed regulations, as the entities that provide these services will only be providing such services to individual's already receiving Medicaid, in accordance with existing OPWDD policies and processes.

These regulations will not have any fiscal impact on local governments, as the contribution of local governments to Medicaid has been capped. Chapter 58 of the Laws of 2005 places a cap on the local share of Medicaid costs and local governments are already paying for Medicaid at the capped level.

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation requires face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. Throughout the past two years there have been various masking requirements for these providers. Therefore, there are no new anticipated costs.

5. Local government mandates: This rule would not apply to local government units. There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. Paperwork: Providers will not experience an increase in paperwork as a result of the proposed regulations.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: OPWDD did not consider any other alternatives to the proposed regulations. These changes are necessary to protect public health and individuals receiving services from providers certified or operated by OPWDD.

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

10. Compliance schedule: OPWDD plans to adopt the regulations as an emergency regulation effective upon filing. Following the comment period OPWDD plans to adopt the regulation as permanent. OPWDD expects that providers will be in compliance with the proposed requirements at the time of their effective date(s).

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses or local governments.

The proposed regulation adds Title 14 NYCRR Section 633.26 to require all providers certified or operated by OPWDD require face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. The regulation will not result in new compliance requirements or additional professional services for providers. There is also no additional paperwork required by the amendment. The regulation is designed to protect individuals receiving services during the ongoing COVID-19 pandemic. A Regulatory Flexibility Analysis for the proposed

regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses and/or local governments.

Rural Area Flexibility Analysis

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

The proposed regulation adds Title 14 NYCRR Section 633.26 in order to require face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. The regulation will not result in an adverse impact on rural communities because the regulation applies to all employees, volunteers, or contractors working at providers who are certified or operated by OPWDD. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

A Job Impact Statement for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulation adds Title 14 NYCRR Section 633.26 in order to require face coverings for all staff, volunteers, contractors, vendors, visitors and individuals receiving services when in facilities or providing services that are certified or operated by OPWDD. The regulation will result in new compliance requirements for providers. However, throughout the past two years there have been face covering requirements on these types of providers so the compliance measures would be minimal and not overly burdensome. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Assessment of Public Comment

The agency received no public comment since publication of the last assessment of public comment.

Public Service Commission

NOTICE OF ADOPTION

Cancellation Supplement of Tariff Amendment

I.D. No. PSC-18-20-00012-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) Cancellation Supplement No. 125, to become effective on June 24, 2022, and request for a waiver of the requirements for newspaper publication.

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

Subject: Cancellation supplement of tariff amendment.

Purpose: To approve Central Hudson's cancellation supplement and waiver of newspaper publication.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) Cancellation Supplement No. 125, to become effective on June 24, 2022, and request for a waiver of the requirements for newspaper publication for the supplement implementing the cancellation of the proposed tariff amendment, subject to the terms and conditions set forth in the order.

Text or summary was published in the May 6, 2020 issue of the Register, I.D. No. PSC-18-20-00012-P.

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

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

Assessment of Public Comment

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

(20-E-0149SA1)

NOTICE OF ADOPTION

Petition for a COVID-19 Customer Assistance Program

I.D. No. PSC-43-20-00003-A

Filing Date: 2022-06-16

Effective Date: 2022-06-16

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

Action taken: On 6/16/22, the PSC adopted an order denying Niagara Power Corporation d/b/a National Grid's (National Grid) petition for a COVID-19 Customer Assistance Program.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Petition for a COVID-19 Customer Assistance Program.

Purpose: To deny National Grid's petition for a COVID-19 Customer Assistance Program.

Substance of final rule: The Commission, on June 16, 2022, adopted an order denying Niagara Power Corporation d/b/a National Grid's petition for a COVID-19 Customer Assistance Program, subject to the terms and conditions set forth in the order.

Text or summary was published in the October 28, 2020 issue of the Register, I.D. No. PSC-43-20-00003-P.

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

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

Assessment of Public Comment

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

(20-M-0479SA1)

NOTICE OF ADOPTION

Merger Transaction

I.D. No. PSC-26-21-00010-A

Filing Date: 2022-06-16

Effective Date: 2022-06-16

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

Action taken: On 6/16/22, the PSC adopted an order adopting the terms of a joint proposal for the acquisition of Corning Natural Gas Corporation's (Corning) parent company by ACP Crotona Corp.

Statutory authority: Public Service Law, sections 65, 66 and 70

Subject: Merger transaction.

Purpose: To adopt the terms of a joint proposal for a merger transaction of Corning's parent company by ACP Crotona.

Substance of final rule: The Commission, on June 16, 2022, adopted an order adopting the terms of a joint proposal for the acquisition of Corning Natural Gas Corporation's (Corning) parent company by ACP Crotona Corp. (ACP Crotona). Subject to the Commission's discussions in the order, the terms of the Second Revised Joint Proposal and associated schedules, dated May 3, 2022, appended to the order as Attachment A, are adopted and incorporated as part of the order, with the exception of Section VII, Miscellaneous Provisions, paragraphs C, D, E, G, H and I. Corning is directed to file notice and certification to the Secretary, the appointments made to Corning Natural Gas Holding Company (Corning Holdco) and Corning LDC boards of directors, within 30 days of such appointments. Corning is directed to file an analysis of goodwill, if at any time after closing an analysis determines that goodwill resides on the Corning Holdco books, or if the goodwill was already reflected on the books from a prior transaction, within 45 days after such analysis is made. Corning is directed to file, within 90 days after closing of the Merger Transaction, a post-closing report detailing the costs associated with the employees working on the merger case or involved in transition planning and specify the accounts in which those costs were recorded. Such costs will be excluded from any earnings calculation. Corning is directed to file, within 90 days after closing of the Merger Transaction, the post-closing

journal entries pertaining to the Merger Transaction. Corning is directed to file a report of its common equity ratio and credit metrics on an annual basis commencing after a full year of Corning's operation under ACP Crotona ownership. The Company shall calculate its common equity ratio and credit metrics by excluding the effects of the surcharges and sur-credits used to produce leveled rates. The Company shall file its initial and subsequent compliance reports, accompanied by supporting work papers in the form contained in Appendix V to the Joint Petition, no later than 90 days after the end of each fiscal year. This reporting requirement shall continue through the term of the rate plan and thereafter until modified by the Commission. Corning is directed to file a notice with the Secretary of any future acquisitions that can affect natural gas supply or pricing in Corning LDC's service area, within 30 days of it becoming aware of such an acquisition. Corning is directed to file a summary report on consumer policy as provided in the Joint Petition, within 90 days following the end of each calendar year during the term of the rate plan. Corning is directed to file a summary report on community engagement as provided in the Joint Petition, within 90 days following the end of each calendar year during the term of the rate plan. Corning is directed to file, within 30 days of the closing of the Merger Transaction, a draft plan regarding outreach and education specific to the Merger Transaction, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 30, 2021 issue of the Register, I.D. No. PSC-26-21-00010-P.

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

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

Assessment of Public Comment

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

(21-G-0260SA1)

NOTICE OF ADOPTION

Phase 1 Arrears Reduction Program

I.D. No. PSC-34-21-00006-A

Filing Date: 2022-06-16

Effective Date: 2022-06-16

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

Action taken: On 6/16/22, the PSC adopted an order authorizing the Phase 1 Arrears Reduction Program.

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

Subject: Phase 1 Arrears Reduction Program.

Purpose: To authorize the Phase 1 Arrears Reduction Program.

Substance of final rule: The Commission, on June 16, 2022, adopted an order authorizing the Phase 1 Arrears Reduction Program. The low-income arrears management plan developed by the Energy Affordability Policy Working Group is approved, as discussed in the body of the order. Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York, Inc., National Fuel Gas 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. (collectively, the Joint Utilities) are directed to address arrears on low-income ratepayer accounts by issuing a one-time bill credit, with contemporaneous notice, to low-income customers to eliminate accrued arrears through May 1, 2022, consistent with the discussion in the body of the order. Such a program shall be undertaken by other Commission jurisdictional New York utilities on a voluntary basis. When implementing the one-time bill credit directed in Ordering Clause No. 3, the jurisdictional utilities who voluntarily undertake such a program and the Joint Utilities (collectively, the Jurisdictional Participating Utilities) shall, first utilize the funds provided for utility customer arrears relief through the Emergency Rental Assistance Program, the Regular Arrears Supplement, and the Utility Arrears Relief Program. The Jurisdictional Participating Utilities shall, by August 1, 2022, provide notice to all low-income customers with a pending Emergency Rental Assistance Program application that explains: (1) that the customer has a pending Emergency Rental Assistance Program application; (2) that the customer's service will not be disconnected while that ap-

plication is pending (3) that the customer's utility arrears reduction credit will be applied after an eligibility determination on the application has been made, and (4) that any arrears reduction credits will not cover bills for service after May 1, 2022, and that they continue to be responsible for bills after May 1, 2022. Beginning September 1, 2022, and continuing on a monthly basis through February 1, 2023, all utilities receiving an appropriation of funds under the Utility Arrears Relief Program shall file reports on the disbursement of such funds including the total number of customer accounts receiving arrears credits, and total dollars associated with arrears credits. The Jurisdictional Participating Utilities shall file an annual arrears reduction report no later than March 31 of each year on the costs (carrying charges) and recoveries of the Phase 1 arrears reduction program and address any reconciliations necessary. Such arrears reduction report shall also include the actual journal entries recorded by the utilities to account for the costs and recoveries during the previous year. The Joint Utilities shall, beginning October 2022, file monthly low-income program reports, consistent with the discussion in the body of the order. The Jurisdictional Participating Utilities shall defer the difference between the reduction in arrears and the amount funded by the Emergency Rental Assistance Program, the Regular Arrears Supplement, and the Utility Arrears Relief Program for future recovery from customers, with the deferred balance, net-of-tax, accruing carrying costs at each utility's authorized weighted average cost of capital. Further, Niagara Power Corporation d/b/a National Grid shall also use the Electric Low Income Energy Affordability Program, Low Income Customer Assistance Program, Electric Affordability Program, Gas Low Income Energy Affordability Program, Gas Low Income Customer Assistance Program, and Gas Affordability Program deferrals to offset the ratepayer funded low-income arrears reduction program consistent with the discussion in the body of the order. The Jurisdictional Participating Utilities shall recover the program costs related to the arrears management plan adopted in the order, and the associated carrying charges, not administrative costs, through a surcharge on customer bills, effective on August 1, 2022, consistent with the discussion in the body of this Order. The Jurisdictional Participating Utilities shall reconcile the arrears reduction credits through December 2022 and shall allocate the costs consistent with how uncollectible costs were allocated in the Cost of Service Studies filed in each company's most recent rate cases consistent with the discussion in the body of the order. For Jurisdictional Participating Utilities that cannot allocate costs based on specific allocators due to billing system or rate mechanism limitations, the utilities may propose an alternative allocation factor. For Jurisdictional Participating Utilities that have not recently conducted Cost of Service Studies, the costs shall be allocated to all firm sales and transportation customers based on delivery revenues. The Jurisdictional Participating Utilities shall file, in conformance with the discussion in the body of the order, revised tariff leaves on not less than five days' notice to become effective, on a temporary basis, on July 1, 2022. All Jurisdictional Participating Utilities are directed to file with the Commission, not later than six weeks following the amendments' effective date, proof that a notice to the public of the changes made by the amendments has been published once a week for four successive weeks in newspapers having general circulation in the areas affected by the amendments, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 25, 2021 issue of the Register, I.D. No. PSC-34-21-00006-P.

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

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

Assessment of Public Comment

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

(14-M-0565SA16)

NOTICE OF ADOPTION

Major Rate Case

I.D. No. PSC-35-21-00004-A

Filing Date: 2022-06-16

Effective Date: 2022-06-16

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

Action taken: On 6/16/22, the PSC adopted an order adopting the terms of

a joint proposal establishing a three-year gas rate plan for Corning Natural Gas Corporation (Corning).

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

Subject: Major Rate Case.

Purpose: To establish a three-year gas rate plan for Corning.

Substance of final rule: The Commission, on June 16, 2022, adopted an order adopting the terms of a joint proposal establishing a three-year gas rate plan for Corning Natural Gas Corporation (Corning). Subject to the Commission's discussions in the order, the terms of the Second Revised Joint Proposal and associated schedules, dated May 3, 2022, appended to the order as Attachment A, are adopted and incorporated as part of the order, with the exception of Section VII, Miscellaneous Provisions, paragraphs C, D, E, G, H and I. Corning is directed to file a cancellation supplement, effective on not less than one day's notice, on or before June 23, 2022, cancelling the tariff amendments and supplements listed in Attachment B to the order. Corning is directed to file, on not less than three days' notice, to take effect on July 1, 2022, on a temporary basis, such further tariff amendments as are necessary to effectuate the terms of the order for Rate Year 1, the twelve-month period ending June 30, 2023, and to incorporate any tariff amendments that were previously approved by the Commission since the tariff amendments listed on Attachment B were filed. The Company shall serve copies of its filing on all parties to these cases. Any comments on the compliance filing must be filed within 14 days of service of the Company's proposed amendments. The amendments specified in the compliance filing shall not become effective on a permanent basis until approved by the Commission. Corning is directed to file such tariff changes as are necessary to effectuate the terms of the order for Rate Years 2 and 3 on not less than 30 days' notice. Such tariff changes shall be effective only on a temporary basis until approved by the Commission. Corning is directed to file within 120 days after the end of each rate year a property tax reconciliation. Corning is directed to file the earnings sharing mechanism calculations required by the Joint Proposal within 90 days after the end of each rate year. Corning is directed to file the data on Company performance on customer complaints and its customer satisfaction survey within 60 days of the end of each calendar year. Corning is directed to file within 90 days after the end of each calendar year, a low income reconciliation report that includes the following information: rate discount participants, separated by tier; new enrollments and exited customers, separated by tier; total low income customer arrearages, separated by tier; participant reconnection fees waived in total customer accounts and dollars, and separated by tier; rate discount dollars expended in total and separated by tier; average monthly residential customer bill; average monthly low income customer bill; any amounts that are over- or under-collected for the low income program; and other collection data specific to low income program participants. Corning is directed to file quarterly reports of electronic deferred payment agreements for the three rate years, within 60 days after the end of each calendar quarter. Corning is directed to file a net plant true-up within 120 days after the end of each rate year. Corning is directed to file within 120 days of the effective date of the order a draft strategic plan for decarbonization. Corning is also directed to file with the Commission, not later than six weeks following the amendments' effective date, proof that notice to the public of the changes made by the amendments has been published once a week for four successive weeks in daily or weekly newspapers having general circulation in the service territory and areas affected by the amendments. Newspaper notice is not waived for tariff changes necessary to implement the rate plans in Rate Years 2 and 3, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 1, 2021 issue of the Register, I.D. No. PSC-35-21-00004-P.

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

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

Assessment of Public Comment

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

(21-G-0394SA1)

NOTICE OF ADOPTION

Revised Benefit Cost Analysis Method

I.D. No. PSC-03-22-00003-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order approving the Joint Utilities' Revised Benefit Cost Analysis Method, filed on December 17, 2021.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 65, 66; Accelerated Renewable Energy Growth and Community Benefit Act of 2020

Subject: Revised Benefit Cost Analysis Method.

Purpose: To approve the Joint Utilities' Revised Benefit Cost Analysis Method.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation's (Joint Utilities) Revised Benefit Cost Analysis Method, filed on December 17, 2021, subject to the terms and conditions set forth in the order.

Text or summary was published in the January 19, 2022 issue of the Register, I.D. No. PSC-03-22-00003-P.

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

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

Assessment of Public Comment

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

(20-E-0197SA9)

NOTICE OF ADOPTION

Petition for Amortization Period and Incentive Mechanism

I.D. No. PSC-04-22-00002-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) petition for a 20-year amortization period on Non-Pipe Alternative (NPA) projects and an incentive mechanism for specified projects.

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

Subject: Petition for amortization period and incentive mechanism.

Purpose: To approve Con Edison's petition for amortization period and incentive mechanism.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) petition for a 20-year amortization period on Non-Pipe Alternative (NPA) projects and an incentive mechanism for specified projects. The 20-year amortization period for cost recovery for the four specified projects proposed by Con Edison is adopted, provided that such projects have begun meaningful implementation prior to the date of a future Commission Order addressing non-pipe alternative cost recovery mechanisms in Case 20-G-0131. The incentive mechanism for the four specified projects proposed by Con Edison is adopted with the modifications described in the body of the order, provided that such projects have begun meaningful implementation prior to the date of a future Commission Order addressing non-pipe alternative incentive mechanisms in Case 20-G-0131. Con Edison shall, upon implementation of its first non-pipe alternative project, file an Implementation Plan that shall contain information for

each non-pipe alternative project implemented related to the measures employed, the Company's approach to third-party procurement, customer acquisition, and other relevant information. Con Edison shall file an update to the Implementation Plan directed in Ordering Clause No. 3 one year after filing such Implementation Plan, and shall continue to update such Implementation Plan on an annual basis, or more frequently as necessary. Con Edison shall file an Annual Report on the same date as the first annual update to the Implementation Plan as required in Ordering Clause No. 4, and shall file such reports annually thereafter. Such Annual Reports shall provide information tracking project expenditures, incremental costs, in-service dates, and assessments of savings for each non-pipe alternative project implemented. Con Edison shall file a Benefit Cost Analysis for each non-pipe alternative project it implements. This Benefit Cost Analysis filing shall provide detailed non-pipe alternative project costs and benefits, identify if any costs that are incremental to the Company's revenue requirement, explain whether the non-pipe alternative project will displace a traditional project subject to the Capital Investment Reconciliation mechanism, and provide details of project cost recovery, and calculate of the Initial Incentive. Con Edison shall develop an operating procedure for the calculation of financial incentives, as described in the body of the order, and file such procedure in Case 19-G-0066 within 30 days of the effective date of the order. Con Edison shall develop a detailed accounting procedure for the recovery of financial incentives, as described in the body of the order, and file such procedure in Case 19-G-0066 within 30 days of the effective date of the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the January 26, 2022 issue of the Register, I.D. No. PSC-04-22-00002-P.

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

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

Assessment of Public Comment

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

(19-G-0066SA4)

NOTICE OF ADOPTION

CPCN and Lightened Regulation

I.D. No. PSC-06-22-00014-A

Filing Date: 2022-06-21

Effective Date: 2022-06-21

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

Action taken: On 6/16/22, the PSC adopted an order granting Flint Mine Solar, LLC (Flint Mine Solar) a Certificate of Public Convenience and Necessity (CPCN), providing for a lightened regulatory regime.

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

Subject: CPCN and Lightened Regulation.

Purpose: To grant Flint Mine Solar a CPCN, providing for a lightened regulatory regime.

Substance of final rule: The Commission, on June 16, 2022, adopted an order granting Flint Mine Solar, LLC a Certificate of Public Convenience and Necessity (CPCN), providing for a lightened regulatory regime for construction and operation of a 100 megawatt (MW) solar generating facility in the Towns of Athens and Cocksackie, Green County, New York, subject to the terms and conditions set forth in the order.

Text or summary was published in the February 9, 2022 issue of the Register, I.D. No. PSC-06-22-00014-P.

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

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

Assessment of Public Comment

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

(21-E-0502SA1)

NOTICE OF ADOPTION

CPCN and Lightened Regulation

I.D. No. PSC-08-22-00006-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order granting Astoria Generating Company, L.P. (Astoria) a Certificate of Public Convenience and Necessity (CPCN), providing for a lightened regulatory regime.

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

Subject: CPCN and Lightened Regulation.

Purpose: To grant Astoria a CPCN, providing for a lightened regulatory regime.

Substance of final rule: The Commission, on June 16, 2022, adopted an order granting Astoria Generating Company, L.P. a Certificate of Public Convenience and Necessity (CPCN), providing for a lightened regulatory regime for construction and operation of a 135 megawatt (MW) energy storage facility in Queens, New York, subject to the terms and conditions set forth in the order.

Text or summary was published in the February 23, 2022 issue of the Register, I.D. No. PSC-08-22-00006-P.

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

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

Assessment of Public Comment

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

(21-E-0628SA1)

NOTICE OF ADOPTION

Alternative Recovery Mechanism for Unbilled Fees

I.D. No. PSC-09-22-00009-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) to establish an alternative recovery mechanism for Unbilled Fees.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Alternative recovery mechanism for Unbilled Fees.

Purpose: To authorize NMPC to establish an alternative recovery mechanism for Unbilled Fees.

Substance of final rule: The Commission, on June 16, 2022, adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid (NMPC) to establish an alternative recovery mechanism for Unbilled Fees. NMPC is authorized to recover its fee deferrals of \$17.143 million and \$3.396 million for electric and gas operations, respectively, through a surcharge commencing July 1, 2022 through June 30, 2023. NMPC shall file, on not less than three days' notice and to become effective on July 1, 2022, tariff amendments to provide for the recovery of Unbilled Fees. NMPC shall provide a reconciliation of the Unbilled Fees and savings for Rate Years One and Two under its rate plan. NMPC shall recover or pass back the deferral for Rate Year One and Rate Year Two under its rate plan during the periods from July 1, 2023 through June 30, 2024 and July 1, 2024 through June 30, 2025, respectively. NMPC is also directed to file with the Commission, not later than six weeks following the amendments' effective date, proof that a notice to the public of the changes made by the amendments has been published once a week for four successive weeks in newspapers having general circulation in the areas affected by the amendments, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 2, 2022 issue of the Register, I.D. No. PSC-09-22-00009-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (20-E-0380SA2)

NOTICE OF ADOPTION

Alternative Recovery Mechanism for Unbilled Fees

I.D. No. PSC-09-22-00011-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order authorizing The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corporation d/b/a National Grid (KEDLI) to establish an alternative recovery mechanism for Unbilled Fees.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Alternative recovery mechanism for Unbilled Fees.

Purpose: To authorize KEDNY and KEDLI to establish an alternative recovery mechanism for Unbilled Fees.

Substance of final rule: The Commission, on June 16, 2022, adopted an order authorizing The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Gas East Corporation d/b/a National Grid (KEDLI) to establish an alternative recovery mechanism for Unbilled Fees. KEDNY is authorized to recover its fee deferral of \$12.959 million and KEDLI is authorized to recover its fee deferral of \$5.925 million through a surcharge commencing July 1, 2022 through June 30, 2023. KEDNY and KEDLI shall file, on not less than three days' notice and to become effective on July 1, 2022, tariff amendments to provide for the recovery of Unbilled Fees. KEDNY and KEDLI shall provide a reconciliation of the Unbilled Fees and savings for Rate Years Two and Three under their respective rate plans. KEDNY and KEDLI shall recover or pass back the deferral for Rate Year Two and Rate Year Three under their rate plan during the periods from July 1, 2023 through June 30, 2024 and July 1, 2024 through June 30, 2025, respectively. KEDNY and KEDLI are also directed to file with the Commission, not later than six weeks following the amendments' effective date, proof that a notice to the public of the changes made by the amendments has been published once a week for four successive weeks in newspapers having general circulation in the areas affected by the amendments, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 2, 2022 issue of the Register, I.D. No. PSC-09-22-00011-P.

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

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

Assessment of Public Comment

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

(19-G-0309SA3)

NOTICE OF ADOPTION

Transfer of Easement Interest and Transmission Property

I.D. No. PSC-10-22-00015-A

Filing Date: 2022-06-21

Effective Date: 2022-06-21

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

Action taken: On 6/16/22, the PSC adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) and New York Transco LLC's (Transco) joint petition authorizing Central Hudson to transfer easement interests and transmission property to Transco.

Statutory authority: Public Service Law, section 70(1)

Subject: Transfer of easement interest and transmission property.

Purpose: To authorize Central Hudson to transfer easement interests and transmission property to Transco.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) and New York Transco LLC's (Transco) joint petition authorizing Central Hudson to transfer easement interests covering real property associated with a 12-mile overhead 115 kV electric transmission line (SL Line) and certain transmission property and equipment related to the Sugarloaf Switching Station and the SL Line to Transco. Central Hudson shall file with the Secretary, within 60 days of the closing date of the transactions, a copy of the final journal entries recorded to account for the transactions, together with the related workpapers, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 9, 2022 issue of the Register, I.D. No. PSC-10-22-00015-P.

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

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

Assessment of Public Comment

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

(22-E-0077SA1)

NOTICE OF ADOPTION

Alternate Recovery Mechanism and Accounting Changes

I.D. No. PSC-12-22-00008-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order approving New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) to establish an alternative recovery mechanism for Unbilled Fees and conforming accounting changes.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Alternate recovery mechanism and accounting changes.

Purpose: To approve NYSEG and RG&E to establish an alternate recovery mechanism and conforming accounting changes.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation (RG&E) to establish an alternative recovery mechanism with a surcharge to recover Unbilled Fees for Rate Year One and a surcharge/surcredit for Rate Years Two and Three, subject to the offsetting cost reductions resulting from the COVID-19 pandemic and conforming accounting changes and shareholder contribution to offset arrearages to the benefit of customers. NYSEG and RG&E shall file, in conformance with the discussion in the body of the order, revised tariff leaves on not less than five days' notice to become effective on July 1, 2022. NYSEG and RG&E are directed to file with the Commission, not later than six weeks following the amendments' effective date, proof that a notice to the public of the changes made by the amendments has been published once a week for four successive weeks in newspapers having general circulation in the areas affected by the amendments. NYSEG is authorized to recover for Rate Year One its fee deferrals and carrying charges of \$4.474 million for electric and \$1.277 million for gas through the mechanism authorized in the order commencing July 1, 2022, through April 30, 2023. RG&E is authorized to recover for Rate Year One its fee deferrals and carrying charges of \$2.293 million for electric and \$2.422 million for gas through the mechanism authorized in the order commencing July 1, 2022, through April 30, 2023. NYSEG and RG&E shall file with the Secretary to the Commission within 60 days after the end of each Rate Year a reconciliation of the Unbilled Fees and related savings for Rate Years Two and Three. NYSEG and RG&E shall recover

or pass back the fee deferral for Rate Year Two during the period from May 1, 2023, through April 30, 2024. NYSEG and RG&E shall recover or pass back the fee deferral for Rate Year Three during the period from May 1, 2024, through April 30, 2025, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 23, 2022 issue of the Register, I.D. No. PSC-12-22-00008-P.

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

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

Assessment of Public Comment

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

(22-M-0119SA1)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-12-22-00011-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order approving Rochester Gas and Electric Corporation's (RG&E) tariff amendments to P.S.C. No. 19 — Electricity, to become effective on July 1, 2022.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendments.

Purpose: To approve RG&E's tariff amendments.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving Rochester Gas and Electric Corporation's (RG&E) tariff amendments to P.S.C. No. 19 — Electricity, to provide clarification regarding the exemption of Non-Bypassable Charge and Electric Vehicle (EV) Make-Ready Surcharge components of the Transition Charge under the Excelsior Jobs Program, to become effective on July 1, 2022, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 23, 2022 issue of the Register, I.D. No. PSC-12-22-00011-P.

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

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

Assessment of Public Comment

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

(18-E-0138SA8)

NOTICE OF ADOPTION

Issuance of Long-Term Debt

I.D. No. PSC-13-22-00007-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order authorizing The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) to issue and sell up to \$1.8 billion of long-term debt securities in one or more transactions, not later than March 31, 2025.

Statutory authority: Public Service Law, section 69

Subject: Issuance of long-term debt.

Purpose: To authorize KEDNY to issue long-term debt.

Substance of final rule: The Commission, on June 16, 2022, adopted an order authorizing The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) to issue and sell up to \$1.8 billion of long-term debt securities in one or more transactions, not later than March 31, 2025. The proceeds from the issuance of these securities shall only be used for the purposes described in Ordering Clause 2. The order replaces the authorization granted in the Order Authorizing Issuance of Securities, issued February 8, 2019, in Case 18-G-0559 and the authorization granted in that proceeding is hereby revoked. The proceeds from the issuance of the securities authorized by the order may be used only for the following: a) the acquisition of property, the construction, completion, extension or improvement of KEDNY's facilities or the improvement or maintenance of the Company's service within New York State (to the extent such expenditures exceed funds originating from credits to the accumulated provision for depreciation, net salvage, and accumulated deferred income taxes); b) for the discharge or lawful refunding of the Company's obligations; or c) to reimburse KEDNY's treasury for equivalent moneys expended for those purposes prior to March 31, 2021, provided that the Company has kept its accounts and vouchers of such expenditures in such a manner as to enable the Commission to ascertain the amount of moneys so expended and the purposes for which such expenditures were made. Within 30 days after the end of each calendar quarter, KEDNY shall submit a compliance filing to the Secretary to the Commission containing the elements described in the body of the order for any security executed during that particular quarter. If KEDNY does not issue any securities during that quarterly period, the Company shall submit a quarterly compliance filing indicating that no such securities were issued. KEDNY is authorized to defer its costs associated with the issuance of securities authorized under the order in Account 181, Unamortized Debt Expense. The amounts so deferred shall be amortized to Account 428, Amortization of Debt Discount and Expense. KEDNY shall, within 60 days after the end of each calendar year, file with the Secretary to the Commission a verified report in the form prescribed by 16 NYCRR Section 245.1. The report shall include the date the proceeds were utilized, the amount, and the purpose authorized in Ordering Clauses 1 and 2 for which the funds were used, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 30, 2022 issue of the Register, I.D. No. PSC-13-22-00007-P.

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

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

Assessment of Public Comment

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

(22-M-0111SA1)

NOTICE OF ADOPTION

Issuance of Long-Term Debt

I.D. No. PSC-13-22-00012-A

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

Action taken: On 6/16/22, the PSC adopted an order authorizing KeySpan Gas East Corporation d/b/a National Grid (KEDLI) to issue and sell up to \$890 million of long-term debt securities in one or more transactions, not later than March 31, 2025.

Statutory authority: Public Service Law, section 69

Subject: Issuance of long-term debt.

Purpose: To authorize KEDLI to issue long-term debt.

Substance of final rule: The Commission, on June 16, 2022, adopted an order authorizing KeySpan Gas East Corporation d/b/a National Grid (KEDLI) to issue and sell up to \$890 million of long-term debt securities in one or more transactions, not later than March 31, 2025. The proceeds from the issuance of these securities shall only be used for the purposes described in Ordering Clause 2. The order replaces the authorization granted in the Order Authorizing Issuance of Securities, issued February 8, 2019, in Case 18-G-0559 and the authorization granted in that proceeding is hereby revoked. The proceeds from the issuance of the securities authorized by the order may be used only for the following: a) the acquisition

tion of property, the construction, completion, extension or improvement of KEDLI's facilities or the improvement or maintenance of the Company's service within New York State (to the extent such expenditures exceed funds originating from credits to the accumulated provision for depreciation, net salvage, and accumulated deferred income taxes); b) for the discharge or lawful refunding of the Company's obligations; or c) to reimburse KEDLI's treasury for equivalent moneys expended for those purposes prior to March 31, 2021, provided that the Company has kept its accounts and vouchers of such expenditures in such a manner as to enable the Commission to ascertain the amount of moneys so expended and the purposes for which such expenditures were made. Within 30 days after the end of each calendar quarter, KEDLI shall submit a compliance filing to the Secretary to the Commission containing the elements described in the body of the order for any security executed during that particular quarter. If KEDLI does not issue any securities during that quarterly period, the Company shall submit a quarterly compliance filing indicating that no such securities were issued. KEDLI is authorized to defer its costs associated with the issuance of securities authorized under the order in Account 181, Unamortized Debt Expense. The amounts so deferred shall be amortized to Account 428, Amortization of Debt Discount and Expense. KEDLI shall, within 60 days after the end of each calendar year, file with the Secretary to the Commission a verified report in the form prescribed by 16 NYCRR Section 245.1. The report shall include the date the proceeds were utilized, the amount, and the purpose authorized in Ordering Clauses 1 and 2 for which the funds were used, subject to the terms and conditions set forth in the order.

Text or summary was published in the March 30, 2022 issue of the Register, I.D. No. PSC-13-22-00012-P.

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

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

Assessment of Public Comment

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

(22-M-0112SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

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

I.D. No. PSC-27-22-00004-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 Hecate Energy Cider Solar, LLC for a lightened regulatory regime regarding a 500 MW solar electric generating facility in Genesee County, New York.

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

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

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

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed by Hecate Energy Cider Solar, LLC (Hecate) on June 7, 2022, requesting a lightened regulatory regime in connection with the approximately 500 MW solar electric generating facility that Hecate is developing in the Towns of Elba and Oakfield, Genesee County, New York.

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

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

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

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

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

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

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

(22-E-0343SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions to the Companies' Firm Gas Demand Response Programs for the 2022 - 2023 Winter Season and Going Forward

I.D. No. PSC-27-22-00005-P

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

Proposed Action: The Commission is considering a petition filed by The Brooklyn Union Gas Company d/b/a National Grid NY and KeySpan East Corporation d/b/a National Grid (the Companies) for modifications to their firm gas demand response programs.

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

Subject: Proposed revisions to the Companies' firm gas demand response programs for the 2022 - 2023 Winter season and going forward.

Purpose: To determine whether to authorize the Companies' proposed modifications to their firm gas demand response programs.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition (Petition) filed on June 15, 2022 by The Brooklyn Union Gas Company d/b/a National Grid NY (KEDNY) and KeySpan Energy East Corporation d/b/a National Grid (KEDLI) (collectively, the Companies) requesting modifications to the Companies' firm gas demand response programs.

The proposed modifications are set forth in the 2021-2022 Firm Gas Demand Response Annual Report filed with the Commission on June 15, 2022 together with the petition. The petition includes draft tariff leaves, which would amend KEDNY's and KEDLI's gas tariff schedules, P.S.C. Nos. 12 and 1 – Gas, respectively. The petition also includes a Firm Gas Demand Response Program Overview and Guidelines. The filing of any modifications to the Companies' firm gas demand response program was required by the Commission's Order Directing Implementation Plan Filing, Annual Reporting, and Tariff Modifications (DR Implementation Order), issued in Cases 20-G-0086 and 20-G-0087 on October 15, 2020.

Under the firm gas demand programs, the Companies can call upon firm customers (i.e., large commercial, industrial, and multi-family customers, selected at the Companies' discretion) to curtail load when needed. Participants voluntarily choose to enroll in the firm gas demand response programs and agree to curtail their natural gas consumption for a defined time-period in exchange for an economic incentive.

The Companies request that the Commission address the petition and allow the implementation of the tariff amendments by November 1, 2022 for the 2022-2023 winter season. Additionally, the Companies request waiver of the newspaper publication requirements under Public Service Law Section 66(12) and 16 NYCRR Section 720.8 with regard to the ultimate filing of the tariff leaves.

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

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

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

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

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

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

(20-G-0086SP4)

Department of State

EMERGENCY RULE MAKING

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

I.D. No. DOS-27-22-00003-E

Filing No. 451

Filing Date: 2022-06-17

Effective Date: 2022-06-17

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

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

Statutory authority: Executive Law, sections 377 and 378

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

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

(1) Upon expiration of the prior, substantially similar version of this rule that was adopted as an emergency rule on March 22, 2022, the New York State Uniform Fire Prevention and Building Code (“Uniform Code”), which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), will no longer have provisions that require every grease trap or interceptor to be designed and maintained to withstand expected loads and to prevent unauthorized access or require the installation of a warning sign or symbol on or in the vicinity of such grease traps or interceptors.

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

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

(4) This rule is necessary to amend the Uniform Code and to continue the implementation of the amendments to Executive Law section 378.

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

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

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

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

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

Section 1219.1 Uniform Fire Prevention and Building Code

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

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

Part 1229

Other Uniform Code Provisions

Subpart 1229-1

Introduction

Section 1229-1.1 Introduction.

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

Subpart 1229-2

Grease Interceptors

Section 1229-2.1 Introduction.

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

Section 1229-2.2 Purpose.

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

Section 1229-2.3 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

capable of withstanding all expected earth, pedestrian, traffic, and other loads as applicable.

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

- (i) covers that can be removed only with tools;
- (ii) covers with minimum weight of 66 pounds (30 kg);
- (iii) covers that have a keyed or combination locking device;
- (iv) a permanent barrier such as a fence or wall that: is not less than 48 inches (1219 mm) tall; has installed on any gates or doors in the barrier a self-closing mechanism, a self-latching mechanism with the latch release installed at a minimum of 54 inches (1372 mm) from the finished floor or ground surface, and a keyed or combination locking mechanism; completely surrounds all openings in grease interceptors that provide access to the grease interceptor separating them from all other purposes and uses other than for service, cleaning, or other maintenance of the grease interceptor; and prevents unauthorized individuals from accessing the covers; or

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

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

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

(ii) The sign(s) shall be made of a non-fading, rigid, weather-resistant material suitable for the installation location. Laminated paper shall not be allowed. Adhesive backed signs shall only be allowed for grease interceptors that have a depth less than 24-inches when measured from the top of the access cover to the bottom of the tank.

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

Please see the Appendix at the end of this issue for the image of the grease interceptor warning sign.

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

Exception: The sign(s) for grease interceptors that have a depth less than 24-inches when measured from the top of the access cover to the bottom of the tank shall have a minimum nominal width of 7-inches and a minimum nominal height of 5-inches.

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

Section 1229-2.5 Maintenance.

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

Section 1229-2.6 Exemption.

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

- (1) serve individual dwelling units;
- (2) are not accessible to or open to the public;
- (3) are installed in accordance with the manufacturer's installation instructions;
- (4) are maintained in accordance with the applicable provisions of the Uniform Code and the manufacturer's installation instructions; and
- (5) are regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the

sewage treatment plant or processes, and a record of all maintenance, cleaning, and repairs is kept.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires July 6, 2022.

Text of rule and any required statements and analyses may be obtained from: Chad Sievers, Department of State, 99 Washington Avenue, Suite 1160, Albany NY 12231, (518) 728-4905, email: chad.sievers@dos.ny.gov

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

(1) Upon expiration of the prior, substantially similar version of this rule that was adopted as an emergency on March 22, 2022, the Uniform Code, which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), will no longer have provisions that require every grease trap or interceptor to be designed and maintained to withstand expected loads and to prevent unauthorized access or require the installation of a warning sign or symbol on or in the vicinity of such grease traps or interceptors.

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

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

(4) This rule is necessary to amend the Uniform Code and to continue the implementation of the amendments to Executive Law section 378.

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

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

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

1. STATUTORY AUTHORITY:

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

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

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

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

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

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

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

2. LEGISLATIVE OBJECTIVES:

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

3. NEEDS AND BENEFITS:

This rule will amend the Uniform Code to include certain safety provisions and requirements that shall apply to both new and existing grease interceptors. This change is necessary to comply with the recent statutory amendment to Executive Law § 378. Specifically, the rule will require: (1) the installation of a warning sign or signs on or in the vicinity of all covers providing access to a grease interceptor; (2) all grease interceptors and their covers to be designed and maintained to withstand expected loads; and (3) all covers providing access to the grease interceptors be restricted or secured from those who are not authorized to access the grease interceptor, and be tight-fitting to prevent sliding, rotating, or flipping to expose the opening.

4. COST:

For many existing facilities, the estimated costs to comply with this rule will be minimal and only include the purchase and installation of a warning sign, or possibly two, for each grease interceptor. These specified signs can be purchased from local sign shops or internet providers for approximately \$40 each for the larger 10” x 14” signs or approximately \$7 for the smaller 5” x 7” adhesive backed signs which are acceptable for certain smaller grease interceptors. The larger sign could be mounted to a wall or a signpost, adding approximately \$5 to \$30 in material costs. The labor cost of installing the larger signs will vary from location to location, but is expected to take between 10 minutes for mounting the sign on existing walls or up to two hours to install the sign with an anchored signpost and can likely be accomplished by facility staff with no specialized tools or skills required. A smaller adhesive backed sign will take less than 5 minutes to install including surface preparation (cleaning) to attach an adhesive backed sign to a grease interceptor or adjacent wall.

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

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

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

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

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

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

The Department of State’s Division of Building Standards and Codes will provide training on the amendments to the Uniform Code for all local government code enforcement personnel in the State at no cost to the municipalities. Code enforcement personnel employed by the cities, towns, villages, and counties that are required to administer and enforce the Uniform Code will need to receive training regarding the new and amended provisions of the Uniform Code. However, such code enforcement personnel are already required by regulation (19 NYCRR Part 1208) to receive 24 hours of annual in-service training, and it is anticipated that the training needed to familiarize code enforcement personnel with the amendments to the Uniform Code to be implemented by this rule will be accomplished within that annual in-service training.

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

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

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

7. DUPLICATION:

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

8. ALTERNATIVES:

This rule making is required by the recent statutory amendments to Executive Law § 378; Chapter 753 of the Laws of 2021; and Chapter 47 of the Laws of 2022. Consequently, the alternative of not amending the Uniform Code to continue added provisions relating to grease interceptors was rejected.

DOS looked at several alternatives suggested by public comments but rejected alternatives for reasons further detailed in the full Regulatory Impact Statement. DOS received one public comment regarding the size of the warning signs for interior grease traps or interceptors and modified the requirements to address this comment.

9. FEDERAL STANDARDS:

There are no federal standards that conflict with this rule.

10. COMPLIANCE SCHEDULE:

This rule will become effective immediately upon filing. A prior, substantially similar version of this rule was adopted as an emergency rule on March 22, 2022. Therefore, regulated parties have already been complying with these requirements since March 22, 2022.

DOS previously notified interested parties throughout the State of a rule that is substantially similar to this emergency rule by means of a Notice of Emergency and Proposed Rule Making that appeared in the April 6, 2022, edition of the State Register, and the substantially similar rule was also posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments, design professionals, and other persons and entities involved in the construction industry in all areas of the State.

Regulatory Flexibility Analysis

1. EFFECT OF RULE:

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

Building Code Council (“Code Council”), a council established by Article 18 of the Executive Law. The Uniform Code is applicable in all areas of the State with the exception of the City of New York.

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

Since this rule amends provisions in the Uniform Code, each local government that is responsible for administering and enforcing the Uniform Code will be affected by this rule. The Department of State (“DOS”) estimates that approximately 1,600 local governments (mostly cities, towns and villages, as well as several counties) are responsible for administering and enforcing the Uniform Code. Local governments will be affected by this rule if the government installs, uses, services, or maintains grease traps or interceptors that are subject to the provisions of the Uniform Code. In those circumstances, a local government is in no different situation than that of any building owner or operator, public or private. Therefore, adoption of this rule making will affect cities, towns, and villages of the State with the exception of the City of New York.

2. COMPLIANCE REQUIREMENTS:

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

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

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

For many existing facilities, the estimated costs to comply with this rule will be minimal and only include the purchase and installation of a warning sign, or possibly two, for each grease interceptor. These specified signs can be purchased from local sign shops or internet providers for approximately \$40 each for the larger 10” x 14” signs or approximately \$7 for the smaller 5” x 7” adhesive backed signs which are acceptable for certain smaller grease interceptors.¹ The larger sign could be mounted to a wall or a signpost, adding approximately \$5 to \$30 in material costs.² The labor cost of installing the larger signs will vary from location to location, but is expected to take between 10 minutes for mounting the sign on existing walls or up to two hours to install the sign with an anchored signpost and can likely be accomplished by facility staff with no specialized tools or skills required. A smaller adhesive backed sign will take less than 5 minutes to install including surface preparation (cleaning) to attach an adhesive backed sign to a grease interceptor or adjacent wall.

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

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

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

This rule will also emphasize the importance of maintaining these

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

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

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

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

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

6. MINIMIZING ADVERSE IMPACT:

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

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

DOS previously notified interested parties throughout the State of a rule that is substantially similar to this emergency rule by means of a Notice of Emergency and Proposed Rule Making that appeared in the April 6, 2022, edition of the State Register, and the substantially similar rule was also posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments, design professionals, and other persons and entities involved in the construction industry in all areas of the State.

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

¹Online retailer: 10” x 14” aluminum custom warning safety sign or 5” x 7” adhesive backed vinyl warning safety sign.

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

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

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

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

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

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

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

Rural Area Flexibility Analysis**1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

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

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

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

3. COSTS:

For many existing facilities, the estimated costs to comply with this rule will be minimal and only include the purchase and installation of a warning sign, or possibly two, for each grease interceptor. These specified signs can be purchased from local sign shops or internet providers for approximately \$40 each for the larger 10” x 14” signs or approximately \$7 for the smaller 5” x 7” adhesive backed signs which are acceptable for certain smaller grease interceptors.¹ The larger sign could be mounted to a wall or a signpost, adding approximately \$5 to \$30 in material costs.² The labor cost of installing the larger signs will vary from location to location, but is expected to take between 10 minutes for mounting the sign on existing walls or up to two hours to install the sign with an anchored signpost and can likely be accomplished by facility staff with no specialized tools or skills required. A smaller adhesive backed sign will take less than 5 minutes to install including surface preparation (cleaning) to attach an adhesive backed sign to a grease interceptor or adjacent wall.

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

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

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

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

provided that the available lids are compatible with the risers. If a riser also needs to be replaced, the cost is estimated to be \$500 to \$600 for non-traffic loaded scenarios.⁵

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

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

Any variation in costs of complying with this rule for different types of public and private entities in rural areas will be attributable to the size of the grease trap or interceptor, and not to the nature or type of such entities or to the location of such entities in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The economic impact of this rule in rural areas will be no greater than the economic impact of this rule in non rural areas, and the ability of individuals or public or private entities located in rural areas to comply with the requirements of this rule should be no less than the ability of individuals or public or private entities located in non-rural areas. Providing exemptions from coverage by the rule was not considered because such exemptions would endanger public safety.

5. RURAL AREA PARTICIPATION:

The Department of State (“DOS”) previously notified interested parties throughout the State of a rule that is substantially similar to this emergency rule by means of a Notice of Emergency and Proposed Rule Making that appeared in the April 6, 2022, edition of the State Register, and the substantially similar rule was also posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments, design professionals, and other persons and entities involved in the construction industry in all areas of the State, including rural areas.

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

¹Online retailer: 10” x 14” aluminum custom warning safety sign or 5” x 7” adhesive backed vinyl warning safety sign.

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

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

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

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

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

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

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

Job Impact Statement

The Department of State has determined that this rule will not have a substantial adverse impact on jobs and employment opportunities.

This rule amends the New York State Uniform Fire Prevention and Building Code (“Uniform Code”) by adding specific provisions in relation to the installation, modification, use, and maintenance of grease traps or interceptors. Particularly, the Uniform Code is amended to include provisions requiring that grease traps or interceptors located in a place that may be accessible by the public shall be designed and maintained (1) to withstand expected loads, (2) to prevent unauthorized access, and (3) to have a warning sign or symbol installed on or in the vicinity of the grease trap or interceptor.

Therefore, the Department of State concludes that this rule will not

have a substantial adverse impact on jobs and employment opportunities, but it is anticipated that this rule may have a positive impact on jobs and employment opportunities in New York State with respect to entities that install, service, or remove grease traps or interceptors and entities that produce warning signs.

NOTICE OF ADOPTION

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

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

Filing No. 450

Filing Date: 2022-06-17

Effective Date: 2022-07-06

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

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

Statutory authority: Executive Law, sections 377 and 378

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

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

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

Section 1219.1 Uniform Fire Prevention and Building Code

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

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

Part 1229 Other Uniform Code Provisions

Section 1229-1.1 Introduction.

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

Subpart 1229-2 Grease Interceptors.

Section 1229-2.1 Introduction.

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

Section 1229-2.2 Purpose.

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

Section 1229-2.3 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The sign(s) shall be made of a non-fading, rigid, weather-resistant material suitable for the installation location. Laminated paper shall not be allowed. Adhesive backed signs shall only be allowed for grease interceptors that have a depth less than 24-inches when measured from the top of the access cover to the bottom of the tank.

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

Please see the Appendix at the end of this issue for the image of the grease interceptor warning sign.

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

Exception: The sign(s) for grease interceptors that have a depth less than 24-inches when measured from the top of the access cover to the bottom of the tank shall have a minimum nominal width of 7-inches and a minimum nominal height of 5-inches.

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

Section 1229-2.5 Maintenance.

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

properly maintained to withstand all expected earth, pedestrian, traffic, and other loads as applicable.

Section 1229-2.6 Exemption.

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

- (1) serve individual dwelling units;
- (2) are not accessible to or open to the public;
- (3) are installed in accordance with the manufacturer's installation instructions;

(4) are maintained in accordance with the applicable provisions of the Uniform Code and the manufacturer's installation instructions; and

(5) are regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes, and a record of all maintenance, cleaning, and repairs is kept.

Final rule as compared with last published rule: Nonsubstantive changes were made in section 1229-2.4(b)(2) and (3).

Text of rule and any required statements and analyses may be obtained from: Chad Sievers, Department of State, 99 Washington Avenue, Suite 1160, Albany NY 12231, (518) 728-4905, email: chad.sievers@dos.ny.gov

Additional matter required by statute: The State Fire Prevention and Building Code Council ("Code Council") found, pursuant to Executive Law section 378(19)(a)(i), that making the changes to the New York State Uniform Fire Prevention and Building Code (the "Uniform Code") made by this rule effective on July 6, 2022, rather than 90 days after publication of the Notice of Adoption of this rule, is necessary to protect health, safety, and security, for the following reasons:

(1) Upon expiration of the prior, substantially similar version of this rule that was adopted as an emergency on March 22, 2022, the Uniform Code, which is adopted pursuant to Article 18 of the Executive Law and which is applicable in all parts of the State (except New York City, which has its own building code), will no longer have provisions that require every grease trap or interceptor to be designed and maintained to withstand expected loads and to prevent unauthorized access or require the installation of a warning sign or symbol on or in the vicinity of such grease traps or interceptors.

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

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

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

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

(6) Adopting such a rule, to be effective on July 6, 2022, is necessary to protect health, safety, and security.

Summary of Revised Regulatory Impact Statement

1. STATUTORY AUTHORITY

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

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

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

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

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

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

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

2. LEGISLATIVE OBJECTIVES

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

3. NEEDS AND BENEFITS

This rule will amend the Uniform Code to include certain safety provisions and requirements that shall apply to both new and existing grease interceptors. This change is necessary to comply with the recent statutory amendment to Executive Law § 378. Specifically, the rule will require: (1) the installation of a warning sign or signs on or in the vicinity of all covers providing access to a grease interceptor; (2) all grease interceptors and their covers to be designed and maintained to withstand expected loads; and (3) all covers providing access to the grease interceptors be restricted or secured from those who are not authorized to access the grease interceptor, and be tight-fitting to prevent sliding, rotating, or flipping to expose the opening.

4. COST

For many existing facilities, the estimated costs to comply with this rule will be minimal and only include the purchase and installation of a warning sign, or possibly two, for each grease interceptor. These specified signs can be purchased from local sign shops or internet providers for approximately \$40 each for the larger 10" x 14" signs or approximately \$7 for the smaller 5" x 7" adhesive backed signs which are acceptable for certain smaller grease interceptors. The sign could be mounted to a wall or a signpost, adding approximately \$5 to \$30 in material costs. The labor cost of installing the signs will vary from location to location, but is expected to take between 10 minutes for mounting the sign on existing walls or up to two hours to install the sign with an anchored signpost and can likely be accomplished by facility staff with no specialized tools or skills required. A smaller adhesive backed sign will take less than 5 minutes to install including surface preparation (cleaning) to attach an adhesive backed sign to a grease interceptor or adjacent wall.

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

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

Exterior below-grade grease interceptors could be located in areas not subject to vehicular loading or in paved areas where vehicle loading is possible. Depending on the location and expected loads, covers may be of either a plastic style or something more durable such as concrete risers with a cast iron frame and cover. A replacement plastic cover would cost approximately \$60 each. With each exterior below-grade grease interceptor typically having two or three access covers it is still anticipated that the installation of a new replacement cover with screws will be a negligible

amount for an authorized facility staff member or a service technician to secure the cover with screws while performing other routine maintenance, provided that the available lids are compatible with the risers. If a riser also needs to be replaced, the cost is estimated to be \$500 to \$600 for non-traffic loaded scenarios.

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

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

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

The Department of State's Division of Building Standards and Codes will provide training on the amendments to the Uniform Code for all local government code enforcement personnel in the State at no cost to the municipalities. Code enforcement personnel employed by the cities, towns, villages, and counties that are required to administer and enforce the Uniform Code will need to receive training regarding the new and amended provisions of the Uniform Code. However, such code enforcement personnel are already required by regulation (19 NYCRR Part 1208) to receive 24 hours of annual in-service training, and it is anticipated that the training needed to familiarize code enforcement personnel with the amendments to the Uniform Code to be implemented by this rule will be accomplished within that annual in-service training.

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

5. LOCAL GOVERNMENT MANDATES

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

6. PAPERWORK

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

7. DUPLICATION

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

8. ALTERNATIVES

This rule making is required by the recent statutory amendment to Executive Law § 378; Chapter 753 of the Laws of 2021; and Chapter 47 of the Laws of 2022. Consequently, the alternative of not amending the Uniform Code to continue added provisions relating to grease interceptors was rejected.

DOS looked at several alternatives suggested by public comments but rejected alternatives for reasons further detailed in the full Regulatory Impact Statement. DOS received one public comment regarding the size of the warning signs for interior grease traps or interceptors and modified the requirements to address this comment.

9. FEDERAL STANDARDS

There are no federal standards that conflict with this rule.

10. COMPLIANCE SCHEDULE

This rule will become effective upon publication of the Notice of Adoption in the State Register. A prior, substantially similar version of this rule was adopted as an emergency rule on March 22, 2022. Therefore, regulated parties have already been complying with these requirements since March 22, 2022.

DOS previously notified interested parties throughout the State of a rule that is substantially similar to this emergency rule by means of a Notice of Emergency and Proposed Rule Making that appeared in the April 6, 2022, edition of the State Register, and the substantially similar rule was also posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments, design professionals, and

other persons and entities involved in the construction industry in all areas of the State.

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

The Department of State has determined that the changes made to the last published rule are non-substantive and do not necessitate a revision of the original Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement published in the Notice of Emergency Adoption and Proposed Rule Making in the State Register on April 6, 2022.

Those changes made to the rule are summarized as follows:

Section 1229-2.4(b)(2)(iv) of Title 19 NYCRR was modified for clarity.

Section 1229-2.4(b)(3)(ii) of Title 19 NYCRR was modified to allow adhesive backed signs for smaller grease interceptors that have a depth less than 24-inches when measured from the top of the access cover to the bottom of the tank.

An exception was added to Section 1229-2.4(b)(3)(iv) of Title 19 NYCRR to allow a smaller sign for smaller grease interceptors that have a depth less than 24-inches when measured from the top of the access cover to the bottom of the tank.

Section 1229-2.4(b)(3)(v) of Title 19 NYCRR was modified for clarity.

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

This rule amends the New York State Uniform Fire Prevention and Building Code (the Uniform Code), 19 NYCRR Section 1219.1 and Part 1229, by adding provisions to require: (1) the installation of a warning sign or signs on or in the vicinity of all covers providing access to a grease interceptor; (2) all grease interceptors and their covers to be designed and maintained to withstand expected loads; and (3) all covers providing access to the grease interceptors be restricted or secured from those who are not authorized to access the grease interceptor, and be tight-fitting to prevent sliding, rotating, or flipping to expose the opening.

The Notice of Emergency Adoption and Proposed Rule Making was published in the State Register on April 6, 2022. A public hearing was held on June 8, 2022. The Department of State (DOS) received the comments described below.

COMMENT 1: A comment requested 1) that the minimum size of the sign not be mandated, 2) that the signage requirement only be applied to exterior grease traps, and 3) that the language of the sign be rephrased. Based on the other types of appliances and equipment within a kitchen and the physical limitations in the kitchen as to where the sign could go, it might be difficult to understand what the sign was intended to be associated with. Additionally, interior grease interceptors pose a reduced risk when compared to the larger exterior grease interceptors.

RESPONSE TO COMMENT 1: DOS recognizes the concern that a commercial kitchen is a visually busy location and that a below the sink style grease interceptor does not pose the same magnitude of risk as an exterior gravity grease interceptor, but the statute applies to all grease interceptors regardless of size. However, the regulation was updated to allow a smaller, adhesive-backed sign for smaller grease interceptors. This will allow the sign to be located in a more relevant location for the smaller grease interceptors, such as interior below the sink style grease interceptors.

COMMENT 2: A comment requested that the regulation be changed to exempt the sign requirement when unauthorized access is prevented.

RESPONSE TO COMMENT 2: An unsecured lid may pose a risk to people with access to an area with a grease interceptor or there may be times when the access control measures fail potentially allowing a child or another person to be exposed to the safety hazard. The intent of the sign is to notify and remind maintenance personnel to securely reattach the access cover. The statute also requires the installation of a warning sign or symbol for grease interceptors.

COMMENT 3: A comment suggested that most definitions be deleted and to rely on either the commonly accepted definitions of the terms or a global reference to the definitions found in the Uniform Code.

RESPONSE TO COMMENT 3: Terms were defined where more than one definition is used in the Executive Law and/or in the documents incorporated by reference into the Uniform Code. Other definitions were added for terms that are new to Part 1229 and some terms were defined to minimize the potential for misinterpretation of the provisions. The definitions were reviewed and it was determined that none of the definitions could be removed without compromising clarity or consistency.

COMMENT 4: A comment stated that "grease interceptor" does not need to be defined as it is already defined within the Uniform Code.

RESPONSE TO COMMENT 4: Currently, "grease interceptor" is already defined within both the Uniform Code and the reference standard. The definitions do have some variability; in the reference standard, "Pre-

fabricated Gravity Grease Interceptors (ANSI/CAN/IAPMO Z1001-2014)” uses a minimum volume of 300 gallons (1136 liters) which is lower than the limit of 500 gallons in the Uniform Code. This was noted to DOS as a comment during the Notice or Rule in Development phase of this rule-making by a manufacturer of grease interceptors. Additionally, the law requires the provisions be applied to both grease traps and grease interceptors. The term grease trap is not included within the definition in the Uniform Code. The term grease trap is added to the term grease interceptor for the purposes of Part 1229. For these reasons, defining the term for the purposes of Part 1229 is essential and no changes were made.

COMMENT 5: A comment requested that the language in 1229-2.4(b)(1) which indicates in part that “... all other loads as applicable” be removed as it is too ambiguous, undefined, open to interpretation, unenforceable, and unnecessary, and that the standard applicable to grease interceptors by the Uniform Code already addresses structural strength of grease interceptors.

RESPONSE TO COMMENT 5: This language is needed as grease interceptors can be installed in a wide variety of locations and are subject to many different loads such as traffic, snow, pedestrian, etc. This gives the design professional the ability and the responsibility to specify or design a grease interceptor accordingly. Additionally, the standard noted in the Uniform Code does not apply to all grease interceptors covered by the new law.

COMMENT 6: A comment requested that the language “Openings in grease interceptors that provide access to the grease interceptor shall have covers that are...” in section 1229-2.4 (b)(1) be replaced with the phrase “Covers shall be provided and shall be...” because the language as worded would require other openings such as vents and air inlets to have watertight covers.

RESPONSE TO COMMENT 6: The requirement only applies to openings that “provide access” to a grease interceptor. Other openings such as a vent or air inlet would not be considered to be providing access.

COMMENT 7: A comment requested that the language “...watertight and secure, not capable of sliding, rotating, or flipping to expose the opening, and be capable of withstanding all expected earth, pedestrian, traffic, and other loads as applicable.” in 1229-2.4(b)(1) and the second sentence of section 1229.4(b)(2), and items (i), (ii), and (iii), be deleted as they are not necessary as they are already stated in the reference standard that is already part of the Uniform Code.

RESPONSE TO COMMENT 7: Although this language is already in the reference standard, the reference standard only applies to gravity grease interceptors; therefore, to ensure this requirement applies to all grease interceptors it must be included in Part 1229.

COMMENT 8: A comment requested that the word “authorized” and the phrase “access to grease interceptors” both be defined because the rule is unclear as to who grants authorization, and what it means to access the grease interceptor. The comment also questioned what measures were needed when installing a grease interceptor.

RESPONSE TO COMMENT 8: Authorization may be granted only by or through the building owner such as maintenance staff, or through the process of hiring a waste hauler to clean the grease interceptor. The intent is to keep the general public and other occupants that are not aware of the dangers associated with grease interceptors safe. The cover is the means of restricting access to the grease interceptor. The language does not indicate access to the cover shall be restricted, but access to the grease interceptor itself is to be restricted by the access cover. When installing a grease interceptor, by default, the installer would be authorized personnel. If the authorized personnel leave the site and the installation is incomplete, the installer would be required to prevent access by attaching the cover, installing a barrier, or other approved means or preventing unauthorized access to ensure the general public or other occupants are safe.

COMMENT 9: A comment requested that language in section 1229-2.4(b)(2)(iv) be revised to clearly define what the term “designed to prevent climbing” means.

RESPONSE TO COMMENT 9: This term was intended to be a performance standard allowing the Code Enforcement Official to use their judgment in determining what is climbable as many different scenarios may arise. Based on further review of this language, DOS determined that the last clause of the provision, “prevents unauthorized individuals from accessing the covers” makes the questioned language unnecessary; therefore, it was removed.

COMMENT 10: A comment requested that section 1229-2.4(b)(2)(iv) be revised because the language “separating them from all other purposes and uses” is unclear and someone may interpret that a building wall will not be an acceptable barrier because the wall serves a separate purpose.

RESPONSE TO COMMENT 10: The wall would be a barrier separating outside uses from maintaining and servicing the grease interceptor. Section 1229-2.4(b)(2)(iv) was modified to clarify the language based on this comment.

COMMENT 11: A comment requested that section 1229-2.4(b)(2)(v)

be deleted entirely because there is no guidance and an alternative method of preventing unauthorized access may lead to tragedy.

RESPONSE TO COMMENT 11: There are many potential configurations of grease interceptor installations. Not every scenario can be covered by strict prescriptive provisions and this language allows for alternative design options.

COMMENT 12: A comment requested that the reference standard ANSI Z535 be removed from the regulation as the applicable requirements for the sign are included in the regulation and purchasing the standard is an undue burden on the authority having jurisdiction.

RESPONSE TO COMMENT 12: This standard is not incorporated by reference. Therefore, an applicant would only have to provide proof to the Code Enforcement Official that the sign complies with ANSI Z535 such as a statement from the sign manufacturer or a stamp on the sign itself.

COMMENT 13: A comment requested that Section 1229-2.4(c) be deleted because it would apply retroactively to all existing grease interceptors. The commentor indicated it is an unfunded mandate on the citizens of the State of New York.

RESPONSE TO COMMENT 13: In accordance with Chapter 47 of the Laws of 2022, this is a retroactive addition to the Uniform Code.

COMMENT 14: A comment requested that the first three sentences of 1229-2.5 be deleted because they are already required in Section 506.3 of the 2020 Property Maintenance Code of New York State.

RESPONSE TO COMMENT 14: In order to satisfy the requirements of the new law, it was determined it would be best to provide all of the relevant requirements in one location. Additionally, the scope of the 2020 Property Maintenance Code of New York State is not the same as this subpart, potentially leaving some grease interceptors without the proper oversight.

COMMENT 15: A comment stated that the provisions are already required by the 2020 Plumbing Code of New York State and the only change should be to modify the reference standard to the most recent version of IAPMO Z1001.

RESPONSE TO COMMENT 15: The rule was developed in accordance with Chapter 753 of the Laws of 2021 and Chapter 47 of the Laws of 2022. The rule contained several additional requirements including a sign, expanded scope, and retroactive requirements which are statutorily required to be included in the rule.

COMMENT 16: A comment noted that there already appears to be a Part 1229, which provides some confusion as to why there is another Part 1229.

RESPONSE TO COMMENT 16: As part of the 2020 Uniform Code update, the former Part 1229 was repealed effective May 12, 2020.

Description of Changes Made in the Rule

Section 1229-2.4 (b)(2)(iv) was modified for clarity.

Section 1229-2.4 (b) (3)(ii) was modified to allow adhesive backed signs for smaller grease interceptors that have a depth less than 24-inches when measured from the top of the access cover to the bottom of the tank.

An exception was added to Section 1229-2.4 (b) (3)(iv) to allow a smaller sign for smaller grease interceptors that have a depth less than 24-inches when measured from the top of the access cover to the bottom of the tank.

Section 1229-2.4 (b)(3)(v) was modified for clarity.

State University of New York

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the State University of New York publishes a new notice of proposed rule making in the *NYS Register*.

Gender Neutral Bathrooms

| I.D. No. | Proposed | Expiration Date |
|--------------------|---------------|-----------------|
| SUN-24-21-00002-EP | June 16, 2021 | June 16, 2022 |

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No. | Subject Matter | Location—Date—Time |
|--|---|--|
| Agriculture and Markets, Department of | | |
| AAM-24-22-00012-P | Holding and movement of captive cervids | Teleconference—August 25, 2022, 11:00 a.m. The telephone number to call in is (518) 549-0500 and the access code is 37265540. |
| Environmental Conservation, Department of | | |
| ENV-20-22-00003-P | Solid waste management regulations | Electronic Webinar—July 19, 2022, 2:00 p.m. Electronic Webinar—July 19, 2022, 6:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for the 6 NYCRR Part 360 Series, Part 371 and Part 377 by May 18, 2022. The proposed regulations webpage may be accessed at: https://www.dec.ny.gov/regulations/125274.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 360 Series public comment hearing. The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than Tuesday, July 5, 2022. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Jennifer Ukeritis at: ohms@dec.ny.gov |
| ENV-23-22-00007-P | Prohibition of glyphosate use by State departments, State agencies, and public benefit corporations on State property | Electronic Webinar—August 17, 2022, 1:00 p.m. Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 325 by June 8, 2022. The proposed regulations webpage for 6 NYCRR Part 325 may be accessed at: https://www.dec.ny.gov/regulations/125410.html Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 325 public comment hearing. |

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

Liquor Authority, State

LQR-26-22-00001-P Ensuring smaller retailers are not unlawfully discriminated against through the charging of exorbitant split case fees

80 S. Swan St., Albany, NY—September 14, 2022, 10:00 a.m.

Public Service Commission

PSC-12-22-00010-P Proposed major rate increase in Liberty SLG’s gas revenues

Teleconference—July 18, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*

*On occasion, a hearing may be rescheduled or postponed. In that event, public information notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case No. 21-G-0577.

PSC-13-22-00006-P Proposed major rate increase in Con Edison’s delivery revenues of approximately \$500 million (or 18.2% in total revenues)

Teleconference—July 6, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*

*On occasion, a hearing may be rescheduled or postponed. In that event, public information notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case No. 22-G-0065.

PSC-13-22-00009-P Proposed major rate increase in Con Edison’s delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues)

Teleconference—July 6, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*

*On occasion, a hearing may be rescheduled or postponed. In that event, public information notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case No. 22-E-0064.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

| Agency code | Issue number | Year published | Serial number | Action Code |
|-------------|--------------|----------------|---------------|-------------|
| AAM | 01 | 12 | 00001 | P |

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|--|---|
| AGING, OFFICE FOR THE | | | |
| AGE-11-22-00002-P | 03/16/23 | Limits on Administrative Expenses and Executive Compensation | To repeal guidelines regarding placing limitations on Administrative Expenses and Executive Compensation |
| AGRICULTURE AND MARKETS, DEPARTMENT OF | | | |
| *AAM-23-21-00001-P | 07/07/22 | Regulated commodity labeling, packaging and method of sale requirements | Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards |
| AAM-24-22-00002-P | 06/15/23 | Voluntary Program for the Production of Virus-Tested Plant Materials | To implement procedures to better enable certification and sale of virus-tested materials. |
| AAM-24-22-00012-P | 08/25/23 | Holding and movement of captive cervids | To ensure that captive cervids are held and moved in a manner designed to prevent disease and to be properly treated if disease |
| AAM-26-22-00004-P | 06/29/23 | Golden Nematode (<i>Globodera Rostochiensis</i>) Quarantine | To lift the Golden Nematode quarantine in portions of the Town of Southold in Suffolk County and make technical corrections. |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|--|
| ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF | | | |
| ASA-11-22-00005-P | 03/16/23 | Substance use disorder withdrawal and stabilization services | Requirements for providers of substance use disorder withdrawal and stabilization services |
| ASA-11-22-00006-P | 03/16/23 | Residential services | Requirements for the delivery of residential services |
| 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 |
| 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 |
|--|----------|--|---|
| CHILDREN AND FAMILY SERVICES, OFFICE OF | | | |
| CFS-52-21-00003-EP | 12/29/22 | To establish minimum standards to control the spread of COVID-19 at residential congregate programs | To establish minimum standards to control the spread of COVID-19 at residential congregate programs |
| CFS-18-22-00008-P | 05/04/23 | Expanded eligibility for child care assistance | To expand eligibility for child care assistance in accordance with Social Services Law 410-w |
| CFS-23-22-00003-P | 06/08/23 | Exclusion of certain pre-K and kindergarten child day care providers from the definition of "child day care" | To exclude certain pre-K and kindergarten programs operated by public school districts from the definition of "child day care" |
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-01-22-00019-P | 01/05/23 | Family Sick Leave | To increase amount of annual family sick leave from fifteen (15) to twenty-five (25) days for eligible M/C employees |
| CVS-01-22-00020-P | 01/05/23 | Jurisdictional Classification | To classify a position in the exempt class |
| CVS-01-22-00021-P | 01/05/23 | Jurisdictional Classification | To classify positions in the 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|-------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| 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 |
|-------------------------------------|----------|-------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| 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 |
|---|----------|---|---|
| CORRECTION, STATE COMMISSION OF | | | |
| CMC-34-21-00001-P | 08/25/22 | Jail staffing requirements | To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels |
| CMC-15-22-00007-EP | 04/13/23 | Segregated confinement | Set minimum standards for the imposition of segregated confinement and the operation of RRUs in jails |
| CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF | | | |
| CCS-08-22-00007-EP | 02/23/23 | Disposition for violations of the conditions of release | To bring Board regulations into compliance with recent amendments to the Executive Law |
| CCS-14-22-00010-P | 04/06/23 | Incarcerated Individual Correspondence Program | To further clarify facility mail processing procedures |
| CCS-16-22-00002-P | 04/20/23 | Limits On Administrative Expenses And Executive Compensation | To remove outdated references in the Department's regulations |
| CCS-16-22-00003-EP | 04/20/23 | Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs | To revise regulations to be in compliance with the new HALT legislation and applicable laws |
| CRIMINAL JUSTICE SERVICES, DIVISION OF | | | |
| CJS-42-21-00004-EP | 10/20/22 | Professional Policing Standards | Implementation of the "New York State Professional Policing Act of 2021" |
| ECONOMIC DEVELOPMENT, DEPARTMENT OF | | | |
| EDV-45-21-00001-P | 11/10/22 | Commercial Production Credit Program | Update regulations to include a third party verification process for application submissions |
| EDV-22-22-00003-P | 06/01/23 | Restaurant Return-to-Work Tax Credit Program | To add the additional administrative process for the additional restaurant return-to-work tax credit |
| EDV-24-22-00011-EP | 06/15/23 | New York City Musical and Theatrical Tax Credit program | To update the administrative process for the program and conform to statute |
| EDV-25-22-00003-EP | 06/22/23 | COVID-19 Capital Costs Tax Credit program | To create the administrative process for the program |
| EDUCATION DEPARTMENT | | | |
| EDU-48-21-00008-P | 02/17/23 | Special education impartial hearing officers and the special education due process system procedures. | To address volume of special education due process complaints in the New York City due process system |
| EDU-09-22-00015-RP | 03/02/23 | Literacy (All Grades) certificate | Establishes the Literacy (All Grades) certificate |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-----------------------------|----------|--|---|
| EDUCATION DEPARTMENT | | | |
| EDU-13-22-00027-P | 03/30/23 | Instructional Hour COVID-19 Waiver | To extend the instructional hour COVID-19 waiver to the 2022-23 school year |
| EDU-13-22-00028-P | 05/23/23 | The disability classification “emotional disturbance” | To rename such disability classification to “emotional disability” |
| EDU-13-22-00029-P | 06/15/23 | Special education due process system procedures | To address the rotational selection process for assignment of IHOs to due process complaints; clarify language regarding IHO findings of fact and decisions; and address how IHOs must handle conflicts of interest |
| EDU-17-22-00005-P | 04/27/23 | Continuing education (CE) requirements for psychologists, social workers and mental health practitioners | To require such professionals to complete three CE credits on issues related to maintaining appropriate professional boundaries |
| EDU-17-22-00006-P | 04/27/23 | Registration requirements for residency programs and residency certificate requirements | To establish registration requirements for residency programs and to revise residency certificate requirements |
| EDU-17-22-00007-P | 04/27/23 | Remote instruction and its delivery under emergency conditions | Permits districts to provide remote instruction if they would otherwise close due to an emergency and count such instructional days towards minimum requirements, define remote instruction and require public schools to plan for providing remote instruction |
| EDU-17-22-00008-EP | 04/27/23 | General Comprehensive Examination Subtests and Grandfathering of Prior Passing Scores | To permit candidates for the high school equivalence (HSE) diploma to apply passing sub-test(s) scores from the TASC as passing score(s) for up to three corresponding sub-test(s) of the approved HSE examination |
| EDU-17-22-00009-EP | 04/27/23 | Licensure requirements for professional engineers | To implement Chapter 465 of the Laws of 2021 relating to licensure requirements for professional engineers |
| EDU-17-22-00010-P | 04/27/23 | State Aid for Public Library Systems, School Library Systems and Reference and Research Library Resource Councils | To align the Commissioner’s regulations with Chapters 563 and 322 of the Laws of 2021 |
| EDU-22-22-00004-EP | 06/01/23 | Incidental teaching and substitute teaching flexibilities | To extend flexibilities for incidental teaching and substitute teaching |
| EDU-22-22-00005-P | 06/01/23 | Business and Marketing Content Specialty Test Safety Net | To create a safety net for the business and marketing content specialty test |
| EDU-22-22-00006-P | 06/01/23 | Education, examination, and experience requirements for licensure in the profession of public accountancy | To modernize the education, experience and examination standards for CPAs |
| EDU-22-22-00007-P | 06/01/23 | Unprofessional Conduct in the practice of veterinary medicine | To establish unprofessional conduct for multi veterinarian and solo veterinarian practices |
| 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 |

Action Pending Index

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| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|----------|--|--|
| EDUCATION DEPARTMENT | | | |
| EDU-22-22-00010-EP | 06/01/23 | Special appeal to earn diplomas with a lower score on a Regents examination in the 2021-22 or 2022-23 school years | To permit students to appeal a lower score on a Regents examination in the 2021-22 or 2022-23 school years to earn diplomas |
| EDU-22-22-00011-P | 06/01/23 | Session days and time spent in assessments | To define session days and to count time spent in assessments toward the minimum instructional hour requirement |
| EDU-22-22-00012-P | 06/01/23 | Students with Disabilities Certificate | To establish the Students with Disabilities (All Grades) certificate, revise registration requirements for Students with Disabilities (Birth-Grade 2) programs and requirements for extensions to teach certain subjects to students with disabilities |
| EDU-26-22-00011-EP | 06/29/23 | Regents Examination in United States History and Government (Framework) for June 2022, August 2022, and January 2023 | Provide flexibility so that students can meet the diploma requirements of the Regents Examination in US History |
| EDU-26-22-00012-EP | 06/29/23 | Providing flexibility regarding the administration of Regents examinations in mathematics and science in certain grades | To secure a waiver extension from the U.S. Department of Education of certain ESSA requirements by providing flexibility to schools and districts for administering Regents examinations in mathematics to grade 6 students and in science to grade 7 students |
| EDU-26-22-00013-EP | 06/29/23 | Requirements for the issuing of a special determination to graduate with a local diploma | To provide regulatory flexibility for students to graduate with a local diploma |
| EDU-26-22-00014-EP | 06/29/23 | Use of restricted local infiltration anesthesia/nitrus oxide analgesia by dental hygienists | To align the Commissioner's regulations with Chapter 198 of the Laws of 2022, permitting dental hygienists to use local infiltration and nitrus oxide anesthetic modalities |
| EDU-26-22-00015-P | 06/29/23 | Implementation timeline for the Computer Science Statement of Continued Eligibility (SOCE) | To extend the implementation timelines for the Computer Science SOCE in response to the COVID-19 pandemic |
| EDU-26-22-00016-EP | 06/29/23 | Standards for school building leader (SBL)preparation programs, definition of "leadership standards" for Annual Professional Performance Reviews, and safety net for the School Building Leader Assessment | To extend the date when SBL preparation programs must align with the new Professional Standards in Educational Leaders standards, revise the definition of leadership standards and change the deadline for the School Building Leader Assessment safety net |
| EDU-26-22-00017-P | 06/29/23 | Computer science being considered a career and technical education (CTE) subject | To add computer science under the umbrella of CTE subjects |
| EDU-26-22-00018-EP | 06/29/23 | Requirements for school districts to issue diplomas to eligible students confined in certain facilities. | To implement Chapter 754 of the Laws of 2021, as amended by Chapter 26 of the Laws of 2022. |
| ELECTIONS, STATE BOARD OF | | | |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|--|
| ELECTIONS, STATE BOARD OF | | | |
| SBE-46-21-00001-RP | 11/17/22 | Public Campaign Finance Board's Enforcement Procedure | Relates to how the Public Campaign Finance Board will enforce the public campaign finance provisions of the Election Law |
| SBE-16-22-00004-EP | 04/20/23 | Providing deadlines for entering voter history and providing list of affidavit voters | To conform regulatory provisions to canvassing provisions provided for by amendments to Election Law Section 9-209 |
| SBE-16-22-00005-EP | 04/20/23 | Removing gender matching from the comparison of voter registration records against the records of the Dept of Motor Vehicles | To ensure that voter matches can occur as provided for by law as a result of Chapter 158 of Laws of 2021 |
| ENVIRONMENTAL CONSERVATION, DEPARTMENT OF | | | |
| *ENV-24-21-00008-P | 08/17/22 | Petroleum Bulk Storage (PBS) | To amend the PBS regulations, 6 NYCRR Part 613 |
| *ENV-24-21-00009-P | 08/17/22 | Chemical Bulk Storage (CBS) | To repeal existing 6 NYCRR Parts 596, 598, 599 and replace with new Part 598; and amend existing Part 597; for the CBS program |
| ENV-37-21-00004-P | 09/15/22 | Deer Hunting | This rulemaking will allow counties to annually, by county law, "opt-out" of the late bow and/or muzzleloader deer seasons |
| ENV-51-21-00003-P | 04/07/23 | Environmental Remediation Programs | To amend 6 NYCRR Part 375, Environmental Remediation Programs |
| ENV-14-22-00005-P | 04/06/23 | Amendments to New York State spring turkey hunting regulations | To increase hunting opportunities in Wildlife Management Unit 1C and to modernize allowable take methods |
| ENV-20-22-00001-EP | 05/18/23 | Regulations governing recreational fishing of summer flounder | To revise regulations concerning the recreational harvest of summer flounder in New York State |
| 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 |
| ENV-27-22-00006-EP | 07/06/23 | Regulations governing recreational fishing of scup and black sea bass | To reduce the recreational harvest of scup and black sea bass in New York |
| FINANCIAL SERVICES, DEPARTMENT OF | | | |
| *DFS-17-16-00003-P | exempt | Plan of Conversion by Commercial Travelers Mutual Insurance Company | To convert a mutual accident and health insurance company to a stock accident and health insurance company |
| *DFS-25-18-00006-P | exempt | Plan of Conversion by Medical Liability Mutual Insurance Company | To convert a mutual property and casualty insurance company to a stock property and casualty insurance company |
| DFS-42-21-00011-P | 10/20/22 | Disclosure requirements for certain providers of commercial financing transactions | To provide new disclosure rules for small business financings |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|---|
| FINANCIAL SERVICES, DEPARTMENT OF | | | |
| 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 |
| DFS-24-22-00010-P | 06/15/23 | Licensed Cashers of Checks; Fees | To change the maximum fee that may be charged by licensed check cashers and remove an automatic inflation adjustment |
| GAMING COMMISSION, NEW YORK STATE | | | |
| SGC-13-22-00001-P | 03/30/23 | Removing the requirement to couple entries with jockeys with relationships among them or with other participants in the race | To enhance the integrity and safety of thoroughbred horse racing |
| SGC-13-22-00003-P | 03/30/23 | Regulation of charitable gaming games of chance | To conform games of chance rules to current statutes and improve operations |
| SGC-13-22-00004-P | 03/30/23 | Regulation of charitable gaming raffles | To conform raffles rules to current statutes and improve operations |
| SGC-13-22-00005-P | 03/30/23 | Racing license hearing requests and service methods | To enhance the fairness and efficiency of adjudicatory proceedings |
| GENERAL SERVICES, OFFICE OF | | | |
| GNS-19-22-00026-P | 05/11/23 | Charitable Contributions Thru State Employees Federated Appeals | To reflect efficiencies offered by modern business processes |
| HEALTH, DEPARTMENT OF | | | |
| *HLT-14-94-00006-P | exempt | Payment methodology for HIV/AIDS outpatient services | To expand the current payment to incorporate pricing for services |
| HLT-46-21-00005-P | 11/17/22 | Nursing Home Minimum Direct Resident Care Spending | Every RHCF shall spend a minimum of 70% of revenue on direct resident care and 40% of revenue on resident-facing staffing |
| HLT-46-21-00007-P | 11/17/22 | Minimum Staffing Requirements for Nursing Homes | Requiring minimum staffing levels for nursing homes |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|--|
| HEALTH, DEPARTMENT OF | | | |
| 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 |
| 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 NYS 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 |
| HLT-26-22-00003-P | 06/29/23 | Repeal of Limits on Administrative Expenses and Executive Compensation | Repeal of Limits on Administrative Expenses and Executive Compensation |
| HUMAN RIGHTS, DIVISION OF | | | |
| HRT-21-22-00001-P | 05/25/23 | Required notice to Public housing program or assistance recipients regarding housing discrimination based on source of income | To comply with the requirements of Executive Law section 170-e |
| JOINT COMMISSION ON PUBLIC ETHICS, NEW YORK STATE | | | |
| JPE-06-22-00015-EP | 02/09/23 | Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction | To increase transparency of the Commission |
| LABOR, DEPARTMENT OF | | | |
| LAB-34-21-00002-EP | 11/17/22 | New York Health and Essential Rights Act (NY HERO Act) | Airborne Infectious Disease Exposure Prevention Standard |
| LAB-51-21-00007-P | 02/09/23 | Workplace Safety Committees | To comply with Labor Law 27-d(8) which requires that the Department adopt regulations |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|------------------------------------|----------|---|--|
| LAW, DEPARTMENT OF | | | |
| LAW-49-21-00016-P | 12/08/22 | Charities regulatory framework and the use of gendered pronouns therein | Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their" |
| LIQUOR AUTHORITY, STATE | | | |
| LQR-26-22-00001-P | 09/14/23 | Ensuring smaller retailers are not unlawfully discriminated against through the charging of exorbitant split case fees. | To ensure smaller retailers are not unlawfully discriminated against through the charging of exorbitant split case fees. |
| LONG ISLAND POWER AUTHORITY | | | |
| *LPA-08-01-00003-P | exempt | Pole attachments and related matters | To approve revisions to the authority's tariff |
| *LPA-41-02-00005-P | exempt | Tariff for electric service | To revise the tariff for electric service |
| *LPA-04-06-00007-P | exempt | Tariff for electric service | To adopt provisions of a ratepayer protection plan |
| *LPA-03-10-00004-P | exempt | Residential late payment charges | To extend the application of late payment charges to residential customers |
| *LPA-15-18-00013-P | exempt | Outdoor area lighting | To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting |
| *LPA-37-18-00013-P | exempt | The net energy metering provisions of the Authority's Tariff for Electric Service | To implement PSC guidance increasing eligibility for value stack compensation to larger projects |
| *LPA-37-18-00017-P | exempt | The treatment of electric vehicle charging in the Authority's Tariff for Electric Service | To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment |
| *LPA-37-18-00018-P | exempt | The treatment of energy storage in the Authority's Tariff for Electric Service | To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap |
| *LPA-09-20-00010-P | exempt | To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory | To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets |
| *LPA-28-20-00033-EP | exempt | LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment | To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts |
| *LPA-37-20-00013-EP | exempt | The terms of deferred payment agreements available to LIPA's commercial customers | To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers |
| *LPA-12-21-00011-P | exempt | LIPA's Long Island Choice (retail choice) tariff | To simplify and improve Long Island Choice based on stakeholder collaborative input |
| LPA-17-22-00011-P | 06/27/23 | Access to records and fees collected under the Freedom of Information Law | To make necessary technical updates and to conform with FOIL regarding collection of fees |
| LPA-17-22-00012-P | exempt | COVID-19 arrears forgiveness and low-income customer discount eligibility | To implement an arrears forgiveness program and expand low-income customer discount eligibility |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|--|---|
| LONG ISLAND POWER AUTHORITY | | | |
| LPA-17-22-00013-P | exempt | Time-of-use rate options for commercial customers | To offer a new TOU rate option for commercial customers that is aligned with industry best practices |
| LPA-17-22-00014-P | exempt | LIPA's delivery service adjustment cost recovery rider | To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers |
| LPA-17-22-00015-P | exempt | The start date of LIPA's smart meter opt-out fee | To update the start date of the smart meter opt-out fee due to early completion of the smart meter rollout |
| MENTAL HEALTH, OFFICE OF | | | |
| OMH-40-21-00007-EP | 10/06/22 | COVID-19 Masking Program | To implement a COVID-19 mask program |
| OMH-43-21-00002-ERP | 10/27/22 | COVID-19 Vaccination Program | To implement a COVID-19 vaccination program in OMH Operated or Licensed Hospitals |
| OMH-48-21-00003-ERP | 12/01/22 | Telehealth Expansion | To establish regulations regarding the expansion of telehealth |
| OMH-23-22-00021-P | 06/08/23 | Relating to the certification, operation and reimbursement of clinic treatment programs serving adults and children | To align such program with the State Plan Amendment |
| METROPOLITAN TRANSPORTATION AGENCY | | | |
| MTA-16-22-00008-EP | 04/20/23 | Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & ts affiliates and subsidiaries | To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated |
| NIAGARA FALLS WATER BOARD | | | |
| *NFW-04-13-00004-EP | exempt | Adoption of Rates, Fees and Charges | To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders |
| *NFW-13-14-00006-EP | exempt | Adoption of Rates, Fees and Charges | To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders |
| NFW-49-21-00010-EP | 12/08/22 | Adoption of Rates, Fees, and Charges | To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders |
| OGDENSBURG BRIDGE AND PORT AUTHORITY | | | |
| *OBA-33-18-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit |
| *OBA-07-19-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|--|
| PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR | | | |
| PDD-37-21-00001-P | 09/15/22 | Certified Residential Opportunities | To provide equity in opportunities for certified residential opportunities |
| PDD-40-21-00002-EP | 10/06/22 | Mandatory Face Coverings in OPWDD Certified Services | To protect public health |
| PDD-43-21-00003-ERP | 10/27/22 | COVID-19 vaccines | To require vaccinations in certain OPWDD settings |
| PDD-07-22-00004-EP | 02/16/23 | Certification of the Facility Class Known as Individualized Residential Alternative | To increase IRA capacity in cases of emergent circumstances |
| PDD-07-22-00005-EP | 02/16/23 | General Purpose | To increase IRA capacity in cases of emergent circumstances |
| PDD-10-22-00010-EP | 03/09/23 | Training Flexibilities | To provide flexibility in training requirements |
| PDD-26-22-00005-P | 06/29/23 | Gender Identity and Expression | To ensure people are treated with dignity and respect |

POWER AUTHORITY OF THE STATE OF NEW YORK

| | | | |
|--------------------|--------|--|--|
| *PAS-01-10-00010-P | exempt | Rates for the sale of power and energy | Update ECSB Programs customers' service tariffs to streamline them/include additional required information |
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PUBLIC SERVICE COMMISSION

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|--------------------|--------|---|---|
| *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 |

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

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

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *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. |
| *PSC-45-07-00005-P | exempt | Customer incentive programs by Orange and Rockland Utilities, Inc. | To establish a tariff provision |
| *PSC-02-08-00006-P | exempt | Additional central office codes in the 315 area code region | To consider options for making additional codes |
| *PSC-03-08-00006-P | exempt | Rehearing of the accounting determinations | To grant or deny a petition for rehearing of the accounting determinations |
| *PSC-04-08-00010-P | exempt | Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation | To grant easement rights to Millennium Pipeline Company, L.L.C. |
| *PSC-04-08-00012-P | exempt | Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs | To consider modifying the commission's regulation over marketing practices of energy service companies |
| *PSC-08-08-00016-P | exempt | Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al. | To consider the transfer |
| *PSC-12-08-00019-P | exempt | Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-12-08-00021-P | exempt | Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-13-08-00011-P | exempt | Waiver of commission policy and NYSEG tariff by Turner Engineering, PC | To grant or deny Turner's petition |
| *PSC-13-08-00012-P | exempt | Voltage drops by New York State Electric & Gas Corporation | To grant or deny the petition |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-23-08-00008-P | exempt | Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project | To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project |
| *PSC-25-08-00007-P | exempt | Policies and procedures regarding the selection of regulatory proposals to meet reliability needs | To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs |
| *PSC-25-08-00008-P | exempt | Report on Callable Load Opportunities | Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years |
| *PSC-28-08-00004-P | exempt | Con Edison's procedure for providing customers access to their account information | To consider Con Edison's implementation plan and timetable for providing customers access to their account information |
| *PSC-31-08-00025-P | exempt | Recovery of reasonable DRS costs from the cost mitigation reserve (CMR) | To authorize recovery of the DRS costs from the CMR |
| *PSC-32-08-00009-P | exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008 | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program |
| *PSC-33-08-00008-P | exempt | Noble Allegany's request for lightened regulation | To consider Noble Allegany's request for lightened regulation as an electric corporation |
| *PSC-36-08-00019-P | exempt | Land Transfer in the Borough of Manhattan, New York | To consider petition for transfer of real property to NYPH |
| *PSC-39-08-00010-P | exempt | RG&E's economic development plan and tariffs | Consideration of the approval of RG&E's economic development plan and tariffs |
| *PSC-40-08-00010-P | exempt | Loans from regulated company to its parent | To determine if the cash management program resulting in loans to the parent should be approved |
| *PSC-41-08-00009-P | exempt | Transfer of control of cable TV franchise | To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved |
| *PSC-43-08-00014-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-46-08-00008-P | exempt | Property transfer in the Village of Avon, New York | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York |
| *PSC-46-08-00010-P | exempt | A transfer of indirect ownership interests in nuclear generation facilities | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities |
| *PSC-46-08-00014-P | exempt | The attachment of cellular antennae to an electric transmission tower | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower |
| *PSC-48-08-00005-P | exempt | A National Grid high efficiency gas heating equipment rebate program | To expand eligibility to customers converting from oil to natural gas |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-48-08-00008-P | exempt | Petition for the master metering and submetering of electricity | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York |
| *PSC-48-08-00009-P | exempt | Petition for the submetering of electricity | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York |
| *PSC-50-08-00018-P | exempt | Market Supply Charge | A study on the implementation of a revised Market Supply Charge |
| *PSC-51-08-00006-P | exempt | Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458 | To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458 |
| *PSC-51-08-00007-P | exempt | Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 | To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 |
| *PSC-53-08-00011-P | exempt | Use of deferred Rural Telephone Bank funds | To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds |
| *PSC-53-08-00012-P | exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY |
| *PSC-53-08-00013-P | exempt | To transfer common stock and ownership | To consider transfer of common stock and ownership |
| *PSC-01-09-00015-P | exempt | FCC decision to redefine service area of Citizens/Frontier | Review and consider FCC proposed redefinition of Citizens/Frontier service area |
| *PSC-02-09-00010-P | exempt | Competitive classification of independent local exchange company, and regulatory relief appropriate thereto | To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2 |
| *PSC-05-09-00008-P | exempt | Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues | To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing |
| *PSC-05-09-00009-P | exempt | Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects | To consider the long term impacts on steam rates and on public policy of various options concerning the steam system |
| *PSC-06-09-00007-P | exempt | Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm. |
| *PSC-07-09-00015-P | exempt | Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property | To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets |
| *PSC-07-09-00017-P | exempt | Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm | To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm |
| *PSC-07-09-00018-P | exempt | Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY | To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York |

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-22-09-00011-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-25-09-00005-P | exempt | Whether to grant, deny, or modify, in whole or in part, the petition | Whether to grant, deny, or modify, in whole or in part, the petition |
| *PSC-25-09-00006-P | exempt | Electric utility implementation plans for proposed web based SIR application process and project status database | To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation |
| *PSC-25-09-00007-P | exempt | Electric rates for Consolidated Edison Company of New York, Inc | Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc |
| *PSC-27-09-00011-P | exempt | Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P. |
| *PSC-27-09-00014-P | exempt | Billing and payment for energy efficiency measures through utility bill | To promote energy conservation |
| *PSC-27-09-00015-P | exempt | Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P. |
| *PSC-29-09-00011-P | exempt | Consideration of utility compliance filings | Consideration of utility compliance filings |
| *PSC-32-09-00009-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-34-09-00016-P | exempt | Recommendations made in the Management Audit Final Report | To consider whether to take action or recommendations contained in the Management Audit Final Report |
| *PSC-34-09-00017-P | exempt | To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC | To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC |
| *PSC-36-09-00008-P | exempt | The increase in the non-bypassable charge implemented by RG&E on June 1, 2009 | Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009 |
| *PSC-37-09-00015-P | exempt | Sale of customer-generated steam to the Con Edison steam system | To establish a mechanism for sale of customer-generated steam to the Con Edison steam system |
| *PSC-37-09-00016-P | exempt | Applicability of electronic signatures to Deferred Payment Agreements | To determine whether electronic signatures can be accepted for Deferred Payment Agreements |
| *PSC-39-09-00015-P | exempt | Modifications to the \$5 Bill Credit Program | Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program |
| *PSC-39-09-00018-P | exempt | The offset of deferral balances with Positive Benefit Adjustments | To consider a petition to offset deferral balances with Positive Benefit Adjustments |
| *PSC-40-09-00013-P | exempt | Uniform System of Accounts - request for deferral and amortization of costs | To consider a petition to defer and amortize costs |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-51-09-00029-P | exempt | Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs | To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period |
| *PSC-51-09-00030-P | exempt | Waiver or modification of Capital Expenditure condition of merger | To allow the companies to expend less funds for capital improvement than required by the merger |
| *PSC-52-09-00006-P | exempt | ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology | To consider whether to change the Order Prescribing Study Methodology |
| *PSC-52-09-00008-P | exempt | Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000 | To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities |
| *PSC-05-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY |
| *PSC-05-10-00015-P | exempt | Petition for the submetering of electricity | To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY |
| *PSC-06-10-00022-P | exempt | The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility | To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility |
| *PSC-07-10-00009-P | exempt | Petition to revise the Uniform Business Practices | To consider the RESA petition to allow rescission of a customer request to return to full utility service |
| *PSC-08-10-00007-P | exempt | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 |
| *PSC-08-10-00009-P | exempt | Consolidated Edison of New York, Inc. energy efficiency programs | To modify approved energy efficiency programs |
| *PSC-12-10-00015-P | exempt | Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations | To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations |
| *PSC-14-10-00010-P | exempt | Petition for the submetering of electricity | To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY |
| *PSC-16-10-00005-P | exempt | To consider adopting and expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-16-10-00007-P | exempt | Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications |
| *PSC-16-10-00015-P | exempt | Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications |
| *PSC-18-10-00009-P | exempt | Electric utility transmission right-of-way management practices | To consider electric utility transmission right-of-way management practices |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-19-10-00022-P | exempt | Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York | To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York |
| *PSC-22-10-00006-P | exempt | Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service | Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service |
| *PSC-22-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York |
| *PSC-24-10-00009-P | exempt | Verizon New York Inc. tariff regulations relating to voice messaging service | To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff |
| *PSC-25-10-00012-P | exempt | Reassignment of the 2-1-1 abbreviated dialing code | Consideration of petition to reassign the 2-1-1 abbreviated dialing code |
| *PSC-27-10-00016-P | exempt | Petition for the submetering of electricity | To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York |
| *PSC-34-10-00003-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-34-10-00005-P | exempt | Approval of a contract for \$250,000 in tank repairs that may be a financing | To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs |
| *PSC-34-10-00006-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-36-10-00010-P | exempt | Central Hudson's procedures, terms and conditions for an economic development plan | Consideration of Central Hudson's procedures, terms and conditions for an economic development plan |
| *PSC-40-10-00014-P | exempt | Disposition of a state sales tax refund | To determine how much of a state sales tax refund should be retained by National Grid |
| *PSC-40-10-00021-P | exempt | Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall | To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall |
| *PSC-41-10-00018-P | exempt | Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter | Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers |
| *PSC-41-10-00022-P | exempt | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY |
| *PSC-42-10-00011-P | exempt | Petition for the submetering of electricity | To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York |
| *PSC-43-10-00016-P | exempt | Utility Access to Ducts, Conduit Facilities and Utility Poles | To review the complaint from Optical Communications Group |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-44-10-00003-P | exempt | Third and fourth stage gas rate increase by Corning Natural Gas Corporation | To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase |
| *PSC-51-10-00018-P | exempt | Commission proceeding concerning three-phase electric service by all major electric utilities | Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities |
| *PSC-11-11-00003-P | exempt | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service |
| *PSC-13-11-00005-P | exempt | Exclude the minimum monthly bill component from the earnings test calculation | Exclude the minimum monthly bill component from the earnings test calculation |
| *PSC-14-11-00009-P | exempt | Petition for the submetering of electricity | To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York |
| *PSC-19-11-00007-P | exempt | Utility price reporting requirements related to the Commission's "Power to Choose" website | Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website |
| *PSC-20-11-00012-P | exempt | Petition for the submetering of electricity | To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York |
| *PSC-20-11-00013-P | exempt | Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges | To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable |
| *PSC-22-11-00004-P | exempt | Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications | To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter |
| *PSC-26-11-00007-P | exempt | Water rates and charges | To approve an increase in annual revenues by about \$25,266 or 50% |
| *PSC-26-11-00009-P | exempt | Petition for the submetering of electricity at commercial property | To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York |
| *PSC-26-11-00012-P | exempt | Waiver of generation retirement notice requirements | Consideration of waiver of generation retirement notice requirements |
| *PSC-29-11-00011-P | exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing |
| *PSC-35-11-00011-P | exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8 | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters |
| *PSC-36-11-00006-P | exempt | To consider expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-38-11-00002-P | exempt | Operation and maintenance procedures pertaining to steam trap caps | Adopt modified steam operation and maintenance procedures |
| *PSC-38-11-00003-P | exempt | Waiver of certain provisions of the electric service tariffs of Con Edison | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-11-00010-P | exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE) | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE |
| *PSC-40-11-00012-P | exempt | Granting of transfer of plant in-service to a regulatory asset | To approve transfer and recovery of unamortized plant investment |
| *PSC-42-11-00018-P | exempt | Availability of telecommunications services in New York State at just and reasonable rates | Providing funding support to help ensure availability of affordable telecommunications service throughout New York |
| *PSC-43-11-00012-P | exempt | Transfer of outstanding shares of stock | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC |
| *PSC-47-11-00007-P | exempt | Remedying miscalculations of delivered gas as between two customer classes | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations |
| *PSC-48-11-00007-P | exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG |
| *PSC-48-11-00008-P | exempt | Petition for the submetering of electricity | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York |
| *PSC-01-12-00007-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-01-12-00008-P | exempt | Transfer of real property and easements from NMPNS to NMP3 | Consideration of the transfer of real property and easements from NMPNS to NMP3 |
| *PSC-01-12-00009-P | exempt | Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove | To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered |
| *PSC-11-12-00002-P | exempt | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff |
| *PSC-11-12-00005-P | exempt | Transfer of land and water supply assets | Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman |
| *PSC-13-12-00005-P | exempt | Authorization to transfer certain real property | To decide whether to approve the transfer of certain real property |
| *PSC-19-12-00023-P | exempt | Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000 | To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc. |
| *PSC-21-12-00006-P | exempt | Tariff filing requirements and refunds | To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted |
| *PSC-21-12-00011-P | exempt | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-23-12-00007-P | exempt | The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility | To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility |
| *PSC-23-12-00009-P | exempt | Over earnings sharing between rate payers and shareholders | To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan |
| *PSC-27-12-00012-P | exempt | Implementation of recommendations made in a Management Audit Report | To consider implementation of recommendations made in a Management Audit Report |
| *PSC-28-12-00013-P | exempt | Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism | Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics |
| *PSC-29-12-00019-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-30-12-00010-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-33-12-00009-P | exempt | Telecommunications companies ability to attach to utility company poles | Consideration of Tech Valley's ability to attach to Central Hudson poles |
| *PSC-37-12-00009-P | exempt | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers |
| *PSC-42-12-00009-P | exempt | Regulation of 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 |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-08-13-00014-P | exempt | Uniform System of Accounts - Request for Accounting Authorization | To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred |
| *PSC-12-13-00007-P | exempt | Protecting company water mains | To allow the company to require certain customers to make changes to the electrical grounding system at their homes |
| *PSC-13-13-00008-P | exempt | The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines | To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted |
| *PSC-18-13-00007-P | exempt | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes |
| *PSC-21-13-00003-P | exempt | To consider policies that may impact consumer acceptance and use of electric vehicles | To consider and further develop policies that may impact consumer acceptance and use of electric vehicles |
| *PSC-21-13-00005-P | exempt | To implement an abandonment of Windover's water system | To approve the implementation of abandonment of Windover's water system |
| *PSC-21-13-00008-P | exempt | Rates of National Fuel Gas Distribution Corporation | To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive |
| *PSC-21-13-00009-P | exempt | Reporting requirements for natural gas local distribution companies | To help ensure efficient and economic expansion of the natural gas system as appropriate |
| *PSC-22-13-00009-P | exempt | On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers | On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers |
| *PSC-23-13-00005-P | exempt | Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations | Equalize regulatory treatment based on level of competition and practical considerations |
| *PSC-25-13-00008-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request |
| *PSC-25-13-00009-P | exempt | Provision by utilities of natural gas main and service lines | To help ensure efficient and economic expansion of the natural gas system as appropriate |
| *PSC-25-13-00012-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request |
| *PSC-27-13-00014-P | exempt | Columbia Gas Transmission Corporation Cost Refund | For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund |
| *PSC-28-13-00014-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-28-13-00016-P | exempt | The request of NGT for lightened regulation as a gas corporation | To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-28-13-00017-P | exempt | The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments | Consider the request by TE for waiver of regulations that gas be odorized in certain lines |
| *PSC-32-13-00009-P | exempt | To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices | To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices |
| *PSC-32-13-00012-P | exempt | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion |
| *PSC-33-13-00027-P | exempt | Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines | Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines |
| *PSC-33-13-00029-P | exempt | Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy | To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy |
| *PSC-34-13-00004-P | exempt | Escrow account and surcharge to fund extraordinary repairs | To approve the establishment of an escrow account and surcharge |
| *PSC-42-13-00013-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-42-13-00015-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-43-13-00015-P | exempt | Petition for submetering of electricity | To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y. |
| *PSC-45-13-00021-P | exempt | Investigation into effect of bifurcation of gas and electric utility service on Long Island | To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island |
| *PSC-45-13-00022-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00023-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00024-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00025-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-47-13-00009-P | exempt | Petition for submetering of electricity | To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y. |
| *PSC-47-13-00012-P | exempt | Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates | Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates |
| *PSC-49-13-00008-P | exempt | Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc. | To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc. |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-51-13-00009-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates |
| *PSC-51-13-00010-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates |
| *PSC-51-13-00011-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates |
| *PSC-52-13-00012-P | exempt | The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC) | To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s) |
| *PSC-52-13-00015-P | exempt | To enter into a loan agreement with the banks for up to an amount of \$94,000 | To consider allowing Knolls Water Company to enter into a long-term loan agreement |
| *PSC-05-14-00010-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-07-14-00008-P | exempt | Petition for submetering of electricity | To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al. |
| *PSC-07-14-00012-P | exempt | Water rates and charges | Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project |
| *PSC-08-14-00015-P | exempt | Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities | To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities |
| *PSC-10-14-00006-P | exempt | Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance | To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance |
| *PSC-11-14-00003-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-16-14-00014-P | exempt | Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties | To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties |
| *PSC-16-14-00015-P | exempt | Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336 | Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336 |
| *PSC-17-14-00003-P | exempt | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-17-14-00004-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00007-P | exempt | To consider petitions for rehearing, reconsideration and/or clarification | To consider petitions for rehearing, reconsideration and/or clarification |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-17-14-00008-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-19-14-00014-P | exempt | Market Supply Charge | To make tariff revisions to the Market Supply Charge for capacity related costs |
| *PSC-19-14-00015-P | exempt | Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications | To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter |
| *PSC-22-14-00013-P | exempt | Petition to transfer and merge systems, franchises and assets | To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets |
| *PSC-23-14-00010-P | exempt | Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications | To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter |
| *PSC-23-14-00014-P | exempt | Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric | Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric |
| *PSC-24-14-00005-P | exempt | To examine LDC's performance and performance measures | To improve gas safety performance |
| *PSC-26-14-00013-P | exempt | Waiver of RG&E's tariffed definition of emergency generator | To consider waiver of RG&E's tariffed definition of emergency generator |
| *PSC-26-14-00020-P | exempt | New electric utility backup service tariffs and standards for interconnection may be adopted | To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid |
| *PSC-26-14-00021-P | exempt | Consumer protections, standards and protocols pertaining to access to customer data may be established | To balance the need for the information necessary to support a robust market with customer privacy concerns |
| *PSC-28-14-00014-P | exempt | Petition to transfer systems, franchises and assets | To consider the Comcast and Charter transfer of systems, franchise and assets |
| *PSC-30-14-00023-P | exempt | Whether to permit the use of the Sensus iPERL Fire Flow Meter | Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter |
| *PSC-30-14-00026-P | exempt | Petition for a waiver to master meter electricity | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY |
| *PSC-31-14-00004-P | exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross |
| *PSC-32-14-00012-P | exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition | To consider the Connect New York Coalition's petition seeking a formal investigation and hearings |
| *PSC-35-14-00004-P | exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY |
| *PSC-35-14-00005-P | exempt | Whether to permit the use of the Sensus iConA electric meter | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-36-14-00009-P | exempt | Modification to the Commission's Electric Safety Standards | To consider revisions to the Commission's Electric Safety Standards |
| *PSC-38-14-00003-P | exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program |
| *PSC-38-14-00004-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn |
| *PSC-38-14-00005-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2 | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2 |
| *PSC-38-14-00007-P | exempt | Whether to expand Con Edison's low income program to include Medicaid recipients | Whether to expand Con Edison's low income program to include Medicaid recipients |
| *PSC-38-14-00008-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn |
| *PSC-38-14-00010-P | exempt | Inter-carrier telephone service quality standard and metrics and administrative changes | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines |
| *PSC-38-14-00012-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2 | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2 |
| *PSC-39-14-00020-P | exempt | Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters | Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters |
| *PSC-40-14-00008-P | exempt | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers |
| *PSC-40-14-00009-P | exempt | Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality | Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 |
| *PSC-40-14-00011-P | exempt | Late Payment Charge | To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due |
| *PSC-40-14-00013-P | exempt | Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY | To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY |
| *PSC-40-14-00014-P | exempt | Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2) | To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-40-14-00015-P | exempt | Late Payment Charge | To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due |
| *PSC-42-14-00003-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-42-14-00004-P | exempt | Winter Bundled Sales Service Option | To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge |
| *PSC-48-14-00014-P | exempt | Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line | To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line |
| *PSC-52-14-00019-P | exempt | Petition for a waiver to master meter electricity | Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY |
| *PSC-01-15-00014-P | exempt | State Universal Service Fund Disbursements | To consider Edwards Telephone Company's request for State Universal Service Fund disbursements |
| *PSC-08-15-00010-P | exempt | Request pertaining to the lawfulness of National Grid USA continuing its summary billing program | To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program |
| *PSC-10-15-00007-P | exempt | Notification concerning tax refunds | To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds |
| *PSC-10-15-00008-P | exempt | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes |
| *PSC-13-15-00024-P | exempt | Whether Leatherstocking should be permitted to recover a shortfall in earnings | To decide whether to approve Leatherstocking's request to recover a shortfall in earnings |
| *PSC-13-15-00026-P | exempt | Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product | To permit the use of the Sensus Smart Point Gas AMR/AMI product |
| *PSC-13-15-00027-P | exempt | Whether to permit the use of the Measurlogic DTS 310 electric submeter | To permit the use of the Measurlogic DTS 310 submeter |
| *PSC-13-15-00028-P | exempt | Whether to permit the use of the SATEC EM920 electric meter | To permit necessary to permit the use of the SATEC EM920 electric meter |
| *PSC-13-15-00029-P | exempt | Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters | To permit the use of the Triacta submeters |
| *PSC-17-15-00007-P | exempt | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million |
| *PSC-18-15-00005-P | exempt | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-19-15-00011-P | exempt | Gas Safety Performance Measures and associated negative revenue adjustments | To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid |
| *PSC-22-15-00015-P | exempt | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-23-15-00005-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-23-15-00006-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-25-15-00008-P | exempt | Notice of Intent to Submeter electricity | To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York |
| *PSC-29-15-00025-P | exempt | Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY | Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY |
| *PSC-32-15-00006-P | exempt | Development of a Community Solar Demonstration Project | To approve the development of a Community Solar Demonstration Project |
| *PSC-33-15-00009-P | exempt | Remote net metering of a demonstration community net metering program | To consider approval of remote net metering of a demonstration community net metering program |
| *PSC-33-15-00012-P | exempt | Remote net metering of a Community Solar Demonstration Project | To consider approval of remote net metering of a Community Solar Demonstration Project |
| *PSC-34-15-00021-P | exempt | Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs | To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs |
| *PSC-35-15-00014-P | exempt | Consideration of consequences against Light Power & Gas, LLC for violations of the UBP | To consider consequences against Light Power & Gas, LLC for violations of the UBP |
| *PSC-37-15-00007-P | exempt | Submetered electricity | To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007 |
| *PSC-40-15-00014-P | exempt | Whether to permit the use of the Open Way 3.5 with cellular communications | To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93 |
| *PSC-42-15-00006-P | exempt | Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC | Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements |
| *PSC-44-15-00028-P | exempt | Deferral of incremental expenses associated with new compliance requirements | Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements |
| *PSC-47-15-00013-P | exempt | Whitepaper on Implementing Lightened Ratemaking Regulation | Consider Whitepaper on Implementing Lightened Ratemaking Regulation |
| *PSC-48-15-00011-P | exempt | Proposal to retire Huntley Units 67 and 68 on March 1, 2016 | Consider the proposed retirement of Huntley Units 67 and 68 |
| *PSC-50-15-00006-P | exempt | The reduction of rates | To consider the reduction of rates charged by Independent Water Works, Inc. |
| *PSC-50-15-00009-P | exempt | Notice of Intent to submeter electricity | To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York |
| *PSC-51-15-00010-P | exempt | Modification of the EDP | To consider modifying the EDP |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-01-16-00005-P | exempt | Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices | To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices |
| *PSC-04-16-00007-P | exempt | Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility | Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility |
| *PSC-04-16-00012-P | exempt | Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station | Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station |
| *PSC-04-16-00013-P | exempt | Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic | Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic |
| *PSC-06-16-00013-P | exempt | Continued deferral of approximately \$16,000,000 in site investigation and remediation costs | To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs |
| *PSC-06-16-00014-P | exempt | MEGA's proposed demonstration CCA program | To consider MEGA's proposed demonstration CCA program |
| *PSC-14-16-00008-P | exempt | Resetting retail markets for ESCO mass market customers | To ensure consumer protections with respect to residential and small non-residential ESCO customers |
| *PSC-18-16-00013-P | exempt | Amendments to the Uniform Business Practices of ESCOs | To ensure consumer protection for ESCO customers |
| *PSC-18-16-00014-P | exempt | Amendments to the Uniform Business Practices of ESCOs | To ensure consumer protection for ESCO customers |
| *PSC-18-16-00015-P | exempt | Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process | To ensure consumer protections for ESCO customers |
| *PSC-18-16-00016-P | exempt | Amendments to the Uniform Business Practices of ESCOs | To ensure consumer protection for ESCO customers |
| *PSC-18-16-00018-P | exempt | Amendments to the Uniform Business Practices of ESCOs | To ensure consumer protection for ESCO customers |
| *PSC-20-16-00008-P | exempt | Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP) | To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP) |
| *PSC-20-16-00010-P | exempt | Deferral and recovery of incremental expense | To consider deferring costs of conducting leak survey and repairs for subsequent recovery |
| *PSC-20-16-00011-P | exempt | Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study | To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device |
| *PSC-24-16-00009-P | exempt | Petition to submeter gas service | To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY |
| *PSC-25-16-00009-P | exempt | To delay Companies' third-party assessments of customer personally identifiable information until 2018 | To extend the time period between the Companies' third-party assessments of customer personally identifiable information |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-25-16-00025-P | exempt | Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel | To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel |
| *PSC-25-16-00026-P | exempt | Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications | To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications |
| *PSC-28-16-00017-P | exempt | A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework | To determine appropriate rules for and calculation of the distributed generation reliability credit |
| *PSC-29-16-00024-P | exempt | Participation of NYPA customers in surcharge-funded clean energy programs | To consider participation of NYPA customers in surcharge-funded clean energy programs |
| *PSC-32-16-00012-P | exempt | Benefit-Cost Analysis Handbooks | To evaluate proposed methodologies of benefit-cost evaluation |
| *PSC-33-16-00001-EP | exempt | Use of escrow funds for repairs | To authorize the use of escrow account funds for repairs |
| *PSC-33-16-00005-P | exempt | Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility | Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges |
| *PSC-35-16-00015-P | exempt | NYSRC's revisions to its rules and measurements | To consider revisions to various rules and measurements of the NYSRC |
| *PSC-36-16-00004-P | exempt | Recovery of costs for installation of electric service | To consider the recovery of costs for installation of electric service |
| *PSC-40-16-00025-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP) | To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements |
| *PSC-47-16-00009-P | exempt | Petition to use commercial electric meters | To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications |
| *PSC-47-16-00010-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00013-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00014-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00016-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-02-17-00010-P | exempt | Implementation of the four EAMs | To consider the implementation of EAMs for RG&E |
| *PSC-02-17-00012-P | exempt | Implementation of the four EAMs | To consider the implementation of EAMs for NYSEG |
| *PSC-18-17-00024-P | exempt | A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades | To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist |

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

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

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-06-19-00005-P | exempt | Consideration of the Joint Utilities' proposed BDP Program | To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects |
| *PSC-07-19-00009-P | exempt | Whether to impose consequences on AAA for its non-compliance with Commission requirements | To insure the provision of safe and adequate energy service at just and reasonable rates |
| *PSC-07-19-00016-P | exempt | Participation in New York State Lifeline Program | To encourage enhanced services for low-income customers |
| *PSC-09-19-00010-P | exempt | Non-pipeline alternatives report recommendations | To consider the terms and conditions applicable to gas service |
| *PSC-12-19-00004-P | exempt | To test innovative pricing proposals on an opt-out basis | To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies |
| *PSC-13-19-00010-P | exempt | New Commission requirements for gas company operator qualification programs | To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities |
| *PSC-19-19-00013-P | exempt | Proposed merger of three water utilities into one corporation | To determine if the proposed merger is in the public interest |
| *PSC-20-19-00008-P | exempt | Reporting on energy sources | To ensure accurate reporting and encourage clean energy purchases |
| *PSC-20-19-00010-P | exempt | Compensation policies for certain CHP projects | To consider appropriate rules for compensation of certain CHP resources |
| *PSC-31-19-00013-P | exempt | Implementation of Statewide Energy Benchmarking | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences |
| *PSC-32-19-00012-P | exempt | Standby Service Rates and Buyback Service Rates | To ensure just and reasonable rates, including compensation, for distributed energy resources |
| *PSC-38-19-00002-P | exempt | Petition to submeter electricity | To ensure adequate submetering equipment and consumer protections are in place |
| *PSC-39-19-00018-P | exempt | Petition to submeter electricity | To ensure adequate submetering equipment and consumer protections are in place |
| *PSC-41-19-00003-P | exempt | A voluntary residential three-part rate that would include fixed, usage and demand charges | To provide qualifying residential customers with an optional three-part rate |
| *PSC-46-19-00008-P | exempt | Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York | To promote and maintain renewable electric energy resources |
| *PSC-46-19-00010-P | exempt | To test innovative rate designs on an opt-out basis | To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals |
| *PSC-08-20-00003-P | exempt | PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-10-20-00003-P | exempt | The Commission's statewide low-income discount policy | To consider modifications to certain conditions regarding utility low-income discount programs |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-12-20-00008-P | exempt | Delivery rates of Corning Natural Gas Corporation | Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020 |
| *PSC-15-20-00011-P | exempt | To modify the terms and conditions under which gas utilities provide service to electric generators | To provide clarity and uniformity to the provision of gas service to electric generators |
| *PSC-16-20-00004-P | exempt | Disposition of a state sales tax refund | To determine how much of a state sales tax refund should be retained by Central Hudson |
| *PSC-18-20-00015-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-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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-48-20-00005-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers |
| *PSC-48-20-00007-P | exempt | Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences |
| *PSC-51-20-00009-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers |
| *PSC-51-20-00014-P | exempt | Electric system needs and compensation for distributed energy resources | To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources |
| *PSC-01-21-00004-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers |
| *PSC-02-21-00006-P | exempt | Disposition of a sales tax refund received by New York American Water, Inc | To determine the disposition of tax refunds and other related matters |
| *PSC-04-21-00016-P | exempt | Request for a waiver | To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement |
| *PSC-06-21-00009-P | exempt | Disposition of a property tax refund received by New York American Water, Inc. | To determine the disposition of tax refunds and other related matters |
| *PSC-09-21-00005-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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-19-21-00008-P | exempt | Community Choice Aggregation (CCA) and Community Distributed Generation (CDG) | To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program |
| *PSC-20-21-00004-P | exempt | Regulatory approvals in connection with a 437 MW electric generating facility | To ensure appropriate regulatory review, oversight, and action, consistent with the public interest |
| *PSC-21-21-00012-P | exempt | Petition for the use of gas metering equipment | To ensure that consumer bills are based on accurate measurements of gas usage |
| *PSC-21-21-00015-P | exempt | Notice of intent to submeter electricity | To ensure adequate submetering equipment and consumer protections are in place |
| *PSC-21-21-00019-P | exempt | Utility capital expenditure proposal | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences |
| *PSC-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-26-21-00011-P | exempt | Notice of intent to submeter electricity | To ensure adequate submetering equipment and consumer protections are in place |
| PSC-28-21-00012-P | exempt | Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY | To address the proposed transfer and any matters within the public interest |
| PSC-28-21-00013-P | exempt | Elimination of internal audits of wholesale performance metrics | To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits |
| PSC-28-21-00015-P | exempt | Proposals for active and passive managed charging programs for mass market EV customers | To shift EV charging to moderate grid impacts and customer costs |
| PSC-29-21-00004-P | exempt | Exemptions from utility standby rates for efficient combined heat and power projects | To determine whether utility standby rate exemptions should be continued |
| PSC-29-21-00009-P | exempt | Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies | To study the efficacy of using AMI to disconnect electric service during gas system emergencies |
| PSC-30-21-00006-P | exempt | NYSERDA proposal regarding Clean Energy Standard backstop collection processes | To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard |
| PSC-32-21-00002-P | exempt | The prohibition on ESCO service to low-income customers | To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers |
| PSC-32-21-00003-P | exempt | Exemptions from utility standby rates for certain designated or environmentally advantageous technologies | To harmonize standby rate exemptions statewide |
| PSC-33-21-00008-P | exempt | Establishment of a Tapping and Connection Fee | To consider whether the proposed fees are in the public interest |
| PSC-33-21-00009-P | exempt | Banking of credits and switching between Community Distributed Generation and Remote Crediting projects | To ensure just and reasonable rates charged to customers |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-34-21-00004-P | exempt | CDG subscriber eligibility requirements | To consider modifications to the CDG program eligibility requirements for certain Standby Service customers |
| PSC-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 |
| 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. |

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| PUBLIC SERVICE COMMISSION | | | |
| 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 |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| 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-03-22-00004-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-04-22-00003-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 |
| 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 |

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| PUBLIC SERVICE COMMISSION | | | |
| PSC-07-22-00007-P | exempt | Minor electric rate filing to increase annual electric revenues | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences |
| PSC-07-22-00009-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-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-09-22-00010-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-10-22-00011-P | exempt | Notice of intent to submeter electricity and request for waiver | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place |
| PSC-10-22-00012-P | exempt | Transfer of street lighting facilities | To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction |
| PSC-10-22-00014-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-10-22-00016-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-12-22-00009-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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| 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-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-13-22-00008-P | exempt | Pole attachment rates | To provide just and reasonable pole attachment rates |
| PSC-13-22-00009-P | exempt | Proposed major rate increase in Con Edison's delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues) | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences |
| PSC-13-22-00010-P | exempt | Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units | To determine whether to authorize the waiver request while ensuring consumer and energy efficiency protections are in place |
| PSC-13-22-00011-P | exempt | Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020 | To consider a rehearing petition |
| PSC-13-22-00013-P | exempt | Pole attachment rates | To provide just and reasonable pole attachment rates |
| PSC-13-22-00014-P | exempt | Petition to develop and construct local transmission projects and to allocate and defer associated costs | To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals |
| PSC-14-22-00007-P | exempt | Notice of intent to submeter electricity and waiver request | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place |
| PSC-14-22-00008-P | exempt | An opt-out community distributed generation program | To establish the program rules for offering community distributed generation on and opt-out basis in New York State |
| PSC-14-22-00009-P | exempt | Establishment of the regulatory regime applicable to a solar electric generating and battery storage facility | To ensure appropriate regulation of a new electric corporation |
| PSC-15-22-00002-P | exempt | Consider Staff Proposal on definitions and procedures for customers to receive credits and reimbursements | To ensure customers receive credits and reimbursements paid by the utility for service outages |
| PSC-15-22-00003-P | exempt | Petition to submeter electricity | To ensure adequate submetering equipment and consumer protections are in place |
| PSC-15-22-00004-P | exempt | Notice of intent to submeter electricity | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place |
| PSC-15-22-00005-P | exempt | Transfer of street lighting facilities | To consider the transfer of street lighting facilities to the Town of Walkill |
| 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 |

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| PUBLIC SERVICE COMMISSION | | | |
| 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 |
| 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 |

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

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|----------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| 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 of 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. |
| 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. |
| PSC-26-22-00008-P | exempt | Compensation under the Value of Distributed Energy Resources tariff. | To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources. |
| PSC-26-22-00009-P | exempt | Minor rate filing. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-26-22-00010-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-27-22-00004-P | exempt | Establishment of the regulatory regime applicable to a solar electric generating facility. | To ensure appropriate regulation of a new electric corporation. |
| PSC-27-22-00005-P | exempt | Proposed revisions to the Companies' firm gas demand response programs for the 2022 - 2023 Winter season and going forward. | To determine whether to authorize the Companies' proposed modifications to their firm gas demand response programs. |
| STATE UNIVERSITY OF NEW YORK | | | |
| SUN-21-22-00003-EP | 05/25/23 | State basic financial assistance for the operating expenses of community colleges under the programs of SUNY and CUNY | To modify limitations formula for basic State financial assistance and modify the funding floor |
| TAXATION AND FINANCE, DEPARTMENT OF | | | |
| *TAF-46-20-00003-P | exempt | Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith | To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021 |
| TAF-20-22-00013-P | exempt | Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith | To set the sales tax component and the composite rate per gallon for the period July 1, 2022 through September 30, 2022 |
| TAF-23-22-00006-P | 06/08/23 | Designation of a records appeals officer to decide appeals from departmental responses to requests for public access to records | To provide for greater flexibility in designating a records appeals officer to decide appeals under FOIL |
| TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF | | | |
| TDA-01-22-00001-EP | 01/05/23 | 2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters | Protect the well-being of shelter staff and persons staying in congregate shelters |
| TDA-13-22-00023-P | 03/30/23 | Repeal of state regulations implementing the limits on the use of state funds or state-authorized payments for administrative expenses and executive compensation set forth in Executive Order No. 38, signed by Governor Andrew M. Cuomo on January 18, 2012 | To update state regulations consistent with the repeal, cancellation and revocation of EO No. 38 in its entirety pursuant to EO No. 6, signed by Governor Kathy Hochul on October 8, 2021 |
| TDA-21-22-00004-P | 05/25/23 | Unclaimed support funds | To amend the state regulation concerning unclaimed support funds to reflect federal and recently-enacted State statutory requirements |
| TRANSPORTATION, DEPARTMENT OF | | | |
| TRN-18-22-00001-P | 05/04/23 | Regulation of commercial motor carriers in New York State | To repeal or modify obsolete provisions, make technical changes, and implement non-discretionary statutory provisions |
| WORKERS' COMPENSATION BOARD | | | |
| WCB-28-21-00009-RP | 07/14/22 | Telehealth | Provides the option for telehealth visits in some circumstances |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|------------------------------------|----------------|--|--|
| WORKERS' COMPENSATION BOARD | | | |
| 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 |
| WCB-26-22-00002-P | 06/29/23 | Pharmacy networks | To require carriers to notify pharmacies when there is a network |

GUIDANCE DOCUMENTS

Not less than once each year, every agency shall submit to the Secretary of State for publication in the *State Register* a list of all Guidance Documents on which the agency currently relies. However, an agency may be exempted from compliance with the requirements of SAPA section 202-e(1) if the agency has published on its website the full text of all Guidance Documents on which it currently relies.

New York State Thruway Authority

The New York State Thruway Authority has published the full text of all guidance documents on which said agency currently relies on at the following website (List website address where Guidance Documents on which the agency currently relies appear): <https://www.thruway.ny.gov/>

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE
SECURE CEILINGS
Brookwood Secure Center
Claverack, Columbia County

Sealed bids for Project No. M3176, comprising a contract for Construction Work, Replace Secure Ceilings, Units 5, 6, 7, 9 & 10, Brookwood Secure Center, 419 County Route 29, Claverack, NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Children and Family Services, until 2:00 p.m. on Wednesday, July 6, 2022 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$32,200 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$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 to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 414 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 11:00 a.m. on June 24, 2022, at 419 Spook Rock Road – Claverack, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Daniel MacCormack (518-822-1931 or 518-810-1970) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 6% for MWBE participation, 3% for Minority-Owned Business Enterprises ("MBE") participation and 3% 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 docu-

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

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

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

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

By OGS - Design & Construction Group

PROVIDE
MASONRY REPAIR/REPOINTING
 State Armory
 Kingston, Ulster County

Sealed bids for Project No. 46162-C, comprising a contract for Construction Work, Provide Masonry Repair & Repointing, State Armory, 25 Kiersted Avenue, Kingston (Ulster County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 6, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond) in the amount of \$23,800 for C.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$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 to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 302 days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on June 23, 2022, at 25 Kiersted Avenue, Kingston, NY 12401. 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 Timothy Woods (845-905-2090) a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 24 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

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

By OGS - Design & Construction Group

PROVIDE
FACILITY-WIDE CCTV/AUDIO MONITORING SYSTEM
 Eastern Correctional Facility
 Napanoch, Ulster County

Sealed bids for Project Nos. 46231-C, 46231-H and 46231-E, comprising separate contracts for Construction Work, HVAC Work, and Electrical Work, Provide Facility-Wide CCTV/Audio Monitoring System, Eastern Correctional Facility, 30 Institution Road, Napanoch (Ulster County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, July 27, 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 \$24,200 for C, \$30,100 for H, and \$397,900 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C, between \$500,000 and \$1,000,000 for H, and between \$15,000,000 and \$16,000,000 for E.

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

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

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

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

The substantial completion date for this project is 988 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 13, 2022, at 30 Institution Rd, Napanoch, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Karen Flood (845-434-0214) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work, an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work and an overall goal of 2% for MWBE participation, 1% for Minority-Owned Business Enterprises ("MBE") participation and 1% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the H trade contractor, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

PROVIDE
ARMS VAULT
State Armory
Whitestone, Queens County

Sealed bids for Project No. 47106-C, comprising a contract for Construction Work Provide Arms Vault, State Armory, 150-174 East Sixth Avenue, Whitestone (Queens County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 13, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$39,500 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 \$1,000,000 and \$2,000,000 for C.

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

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

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

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

The substantial completion date for this project is 203days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on 6/30/2022 at 150-174 East Sixth Avenue, Whitestone, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Bibi Bacchus (718-776-4441) a minimum of 24hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 24 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

**REPLACE
WINDOWS/ROOFS
State Armory
Binghamton, Broome County**

Sealed bids for Project No. 47182-C, comprising a contract for Construction Work, Replace Windows & Roofs G, J, C & E, State Armory, 85 West End Avenue, Binghamton (Broome County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, July 13, 2022 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond) in the amount of \$58,300 for C.

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

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

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

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

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

The substantial completion date for this project is 464 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:30 a.m. on June 29, 2022 at 85 West End Avenue, Binghamton, NY 13905. 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 Luanne Vaughn (607-721-8716) a minimum of 24 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 24 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

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

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

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

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

By OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

PUBLIC NOTICE Department of Health

The New York State Department of Health (DOH) is required by the provisions of the federal Beaches Environmental Assessment and Coastal Health (BEACH) Act to provide for public review and comment on the Department's beach monitoring and notification plan. The BEACH Act (Section 406(b) of the Clean Water Act) enacted a federal Environmental Protection Agency grant program available to states, such as New York, with coastal recreational waters. Coastal recreational waters include the Great Lakes and marine coastal waters that are designated for swimming, bathing, surfing, or similar water contact activities. The Act is not applicable to inland waters or waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

The beach monitoring and public notification plan also includes information on the beach evaluation and classification process, including a list of waters to be monitored and beach ranking. Also included in this plan is the sampling design and monitoring plan, including sampling location and sampling frequency. Lastly, the plan contains information on procedures for public notification and risk communication, including methods to notify the public of a swimming advisory or beach closure.

Any interested parties and/or agencies desiring to review and/or comment on the beach monitoring and notification plan for coastal recreational waters may do so by writing to: Timothy M. Shay, Assistant Director, Bureau of Community Environmental Health and Food Protection Center for Environmental Health, Department of Health, Empire State Plaza, Corning Tower Bldg., Rm. 1395, Albany, NY 12237

PUBLIC NOTICE Department of State Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless other-

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

2022-0316 in the Matter of Village of Mount Kisco, Peter J. Miley, 104 E. Main Street, Mount Kisco, NY 10549, for a variance concerning safety requirements, including height of water closet seat. Involved is a one-story building located at 198 Carpenter Ave., Village of Mount Kisco, NY 10549, County of Westchester, State of New York.

2022-0317 in the Matter of Moynihan Station Development Corporation, Doug Carr, James A. Farley Building, 421 8th Avenue, New York, NY 10001, for a variance concerning safety requirements, including piping above electrical panel. Involved is a six-story building located at 421 8th Avenue, City of New York, NY 10001, County of New York, State of New York.

2022-0318 in the Matter of Moynihan Station Development Corporation, Doug Carr, James A. Farley Building, 421 8th Avenue, New York, NY 10001, for a variance concerning safety requirements, including vertical grab bars. Involved is a six-story building located at 421 8th Avenue, City of New York, NY 10001, County of New York, State of New York.

2022-0319 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 residential building located at 479 Bedford Road, Town of North Castle, NY 10504, County of Westchester, State of New York.

2022-0320 in the Matter of Battoglia Lanza Architectural Group P.C., Bernard J. Lanza, 209 Old Route 9, Suite 5, Fishkill, NY 12524, for a variance concerning safety requirements, including doorway opening height. Involved is a two-story building located at Seven Greenhill Drive, Town of Fishkill, NY 12524, County of Dutchess, 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.

2022-0321 in the Matter of Frank Montero, 94 W. Main Street, Suite 202, Bay Shore, NY 11706, for a variance concerning safety requirements, including ceiling height. Involved is a single-family dwelling located at 41 Hilliard Avenue, Town of Islip, NY 11722, County of Suffolk, State of New York.

2022-0322 in the Matter of Frank Montero, 94 W. Main Street, Suite 202, Bay Shore, NY 11706, for a variance concerning safety require-

ments, including ceiling height. Involved is a one-family dwelling located at 214 Plunkett Street, Town of Brentwood, NY 11717, County of Suffolk, State of New York.

2022-0323 in the Matter of Frank Montero, 94 W. Main Street, Suite 202, Bay Shore, NY 11706, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at 15 McGowan Lane, Town of Central Islip, NY 11722, County of Suffolk, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

SUMMARY: As part of its regular business meeting held on June 16, 2022, Baltimore, Maryland, the Commission approved the applications of certain water resources projects, and took additional actions, as set forth in the Supplementary Information below.

DATES: June 16, 2022.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary, telephone: (717) 238-0423, ext. 1312, fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address. See also Commission website at www.srbc.net.

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also acted upon at the business meeting: (1) election of Commission officers for FY2023; (2) reconciliation of FY2023 budget; (3) a motion related to the Conowingo Watershed Implementation Plan; (4) ratification of contracts/grants; (5) revision of Commission By-laws; (6) proposed Water Resources Program for 2022-2024; and (7) three regulatory program waiver requests.

Project Applications Approved:

1. Project Sponsor and Facility: Blackhill Energy LLC (Susquehanna River), Ulster Township, Bradford County, Pa. Application for surface water withdrawal of up to 3.024 mgd (peak day).

2. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Mehoopany Township, Wyoming County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20170603).

3. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Wysox Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20170604).

4. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Wyalusing Creek), Rush Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 0.715 mgd (peak day) (Docket No. 20170605).

5. Project Sponsor: Corning Incorporated. Project Facility: Houghton Park, City of Corning, Steuben County, N.Y. Application for renewal of groundwater withdrawal of up to 1.080 mgd (30-day average) from Well 5 (Docket No. 19970503).

6. Project Sponsor and Facility: East Cocalico Township Authority, East Cocalico, West Cocalico, and Brecknock Townships, Lancaster County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.081 mgd from Well 11, 1.150 mgd from Well F, and 1.395 mgd from Well M (Docket Nos. 19920702 and 20070606).

7. Project Sponsor: Golf Acres, Inc. Project Facility: Chapel Hill Golf Course (Little Muddy Creek), Spring Township, Berks County, Pa. Applications for surface water withdrawal of up to 0.180 mgd (peak day) and consumptive use of up to 0.162 mgd (peak day).

8. Project Sponsor and Facility: Hydrage, LLC, East Union and Mahanoy Townships, Schuylkill County, Pa. Application for renewal of consumptive use of up to 0.200 mgd (peak day) (Docket No. 20070603).

9. Project Sponsor and Facility: Lykens Valley Golf Course & Resort Inc (unnamed tributary to Wiconisco Creek), Upper Paxton

Township, Dauphin County, Pa. Applications for renewal of surface water withdrawal of up to 0.200 mgd (peak day) and consumptive use of up to 0.200 mgd (peak day) (Docket No. 20080614).

10. Project Sponsor: New Enterprise Stone & Lime Co., Inc. Project Facility: Tyrone Quarry, Warriors Mark Township, Huntingdon County, Pa. Application for groundwater withdrawal of up to 0.173 mgd (30-day average) from Well MW-36B and modification to increase consumptive use (peak day) by an additional 0.238 mgd, for a total consumptive use of up to 0.532 mgd (Docket No. 20031205).

11. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Towanda Creek), Franklin Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 1.000 mgd (peak day) (Docket No. 20170611).

12. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Oakland Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 3.000 mgd (peak day).

13. Project Sponsor and Facility: Town of Kirkwood, Broome County, N.Y. Application for renewal of groundwater withdrawal of up to 0.841 mgd (30-day average) from Well 3 (Docket No. 19920304).

14. Project Sponsor and Facility: Village of Canisteo, Steuben County, N.Y. Application for renewal of groundwater withdrawal of up to 0.499 mgd (30-day average) from Well 2 (Docket No. 19950902).

15. Project Sponsor: Vulcan Construction Materials, LLC. Project Facility: Havre de Grace Quarry (Susquehanna River), Havre de Grace District, Harford County, Md. Applications for renewal of surface water withdrawal of up to 0.234 mgd (peak day) and consumptive use of up to 0.823 mgd (peak day) (Docket No. 19920105).

Project Scheduled for Action Involving a Diversion:

16. Project Sponsor and Facility: Patrick Hoopes Trucking, Inc., Eulalia Township, Potter County, Pa. Application for an into-basin diversion from the Ohio River Basin of up to 1.000 mgd (peak day) from the Allegheny River.

Commission Initiated Project Approval Modification:

17. Project Sponsor and Facility: Lebanon Valley College, Annville and North Annville Townships, Lebanon County, Pa. Conforming the grandfathered amount with the forthcoming determination for groundwater withdrawals (30-day averages) of up to 0.019 mgd from the Football Well, 0.044 mgd from the Baseball Well, and 0.042 mgd from the West (Soccer) Well, as well as modify monitoring and reporting requirements for the project (Docket No. 20030409).

Projects Tabled:

18. Project Sponsor and Facility: Municipal Authority of the Township of East Hempfield dba Hempfield Water Authority, East Hempfield Township, Lancaster County, Pa. Applications for renewal of groundwater withdrawals (30 day averages) of up to 0.353 mgd from Well 6, 0.145 mgd from Well 7, 1.447 mgd from Well 8, and 1.800 mgd from Well 11, and Commission-initiated modification to Docket No. 20120906, which approves withdrawals from Wells 1, 2, 3, 4, and 5 and Spring S-1 (Docket Nos. 19870306, 19890503, 19930101, and 20120906).

19. Project Sponsor and Facility: Shrewsbury Borough, Shrewsbury Township and Shrewsbury Borough, York County, Pa. Applications for renewal of groundwater withdrawals (30-day averages) of up to 0.099 mgd from the Meadow Well and 0.180 mgd from the Village Well (Docket Nos. 19890501 and 19900105).

20. Project Sponsor: SUEZ Water Pennsylvania Inc. Project Facility: Grantham Operation, Upper Allen Township, Cumberland County, Pa. Application for renewal of groundwater withdrawal of up to 0.395 mgd (30-day average) from Well 2 (Docket No. 19901104).

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806, 807, and 808.

Dated: June 17, 2022

Jason E. Oyler

General Counsel and Secretary to the Commission

EXECUTIVE ORDERS

Executive Order No. 4.9: Continuing the Declaration of a State-wide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York.

WHEREAS, there are staffing shortages in hospitals and other healthcare facilities and they are expected to continue;

WHEREAS, severe understaffing in hospitals and other healthcare facilities is expected to continue to affect the ability to provide critical care and to adequately serve vulnerable populations;

WHEREAS, there is an immediate and critical need to supplement staffing to assure healthcare facilities can provide care;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 4, as continued in Executive Order 4.8, and continue the terms, conditions, and suspensions contained in Executive Order 4 and its successors through June 29, 2022.

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

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 5.9: Continuing the Temporary Suspension and Modification of Laws Related to the Disaster Emergency in the Counties of the Bronx, Kings, New York, Richmond and Queens Due to Conditions at Rikers Island Correctional Center.

WHEREAS, the Rikers Island Correctional Center has been facing a severe staffing shortage in recent months and this is expected to continue;

WHEREAS, the conditions in the facilities are expected to continue to create an unsafe, life-threatening environment for both the inmates and the staff;

WHEREAS, a federal monitor appointed to oversee the Correctional Center reported a “pervasive level of disorder and chaos,” in the facilities in its Eleventh Report of the *Nunez* Independent Monitor;

WHEREAS, there is a need to facilitate the use of virtual court appearances to expedite proceedings and to reallocate corrections department staff from transportation and production of defendants to housing supervision and safety;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 5, as continued by Executive Order 5.8, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 5 and its successors, until July 4, 2022.

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

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 11.7: Declaring a Disaster Emergency in the State of New York.

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

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

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

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

NOW; THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and the Laws of New York State, do hereby continue the state disaster emergency as set forth in Executive Order 11, and continue the suspensions and modifications of law contained in Executive Order 11 and its successors, through July 14, 2022.

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

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

COURT NOTICES

AMENDMENT OF RULE

Administrative Board of the Courts

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, Part 36 of the Rules of the Chief Judge, by adding the underlined material to section 36.1(b)(2)(ii) as follows:

Section 36.1 Application.

(b) Except for section 36.2(c)(6) and (7) of this Part, this Part shall not apply to:

(2) the appointment of, or the appointment of any persons or entities performing services for, any of the following:

(ii) a guardian ad litem nominated by an infant of 14 years of age or over; or a guardian ad litem appointed pursuant to Article 12 of the Civil Practice Law and Rules, who is an uncompensated friend or relative of a party incapable of adequately prosecuting or defending the party's rights;

AMENDMENT OF RULE

Administrative Board of the Courts

Pursuant to the authority vested in me, upon consultation with and approval of the Administrative Board of the Courts, I hereby direct that the Uniform Civil Rules for the Supreme Court and the County Court (Exh. A), including harmonization with the rules governing matrimonial actions (Exh. B), are amended as per the Exhibits attached until further order.

This order shall take effect July 1, 2022, and shall supersede solely the provisions of AO/270/20 that are inconsistent with its terms and provisions.

Administrative Order Table of Contents: Exhibits Guide

| | |
|--------------------------|--|
| Exhibit A: | Section 202.5(a)(2) Papers filed in court. Section 202.8-b Length of Papers. Section 202.8-g Motions for Summary Judgment; Statements of Material Facts. Section 202.20 Interrogatories. Section 202.20-a(b) Privilege Logs. Section 202.20-c(c) Requests for Documents. Section 202.20-h Pre-Trial Memoranda, Exhibit Book, and Requests for Jury Instructions. Section 202.20-i Direct Testimony by Affidavit. Section 202.20-j Parties and non-parties should adhere to the Electronically Stored Information ("ESI") guidelines set forth in Appendix hereto. Section 202.26(c) Settlement and Pretrial Conferences. Section 202.34 Pre-Marking of Exhibits. Section 202.37 Scheduling Witnesses. |
| Exhibit B ¹ : | Section 202.16 Matrimonial actions; calendar control of financial disclosure in actions and proceedings involving alimony, maintenance, child support and equitable distribution; motions for alimony, counsel fees pendente lite, and child support; special rules. Section 202.16-b Submission of Written Applications in Contested Matrimonial Actions. |

¹ Please note that that Section 202.16-a Matrimonial Actions; Automatic Orders is not included as it remains unchanged.

EXHIBIT A

Section 202.5(a)(2) Papers filed in court.

* * *

(2) *Unless otherwise directed by the court*, [E]each electronically-submitted memorandum of law, affidavit and affirmation, exceeding 4500 words, *which was prepared with the use of a computer software program*, shall include bookmarks providing a listing of the document's contents and facilitating easy navigation by the reader within the document.

Section 202.8-b Length of Papers.

(a) *Where prepared by use of a computer*, [U]nless otherwise permitted by the court: (i) affidavits, affirmations, briefs and memoranda of law in chief shall be limited to 7,000 words each; (ii) reply affidavits, affirmations, and memoranda shall be no more than 4,200 words and shall not contain any arguments that do not respond or relate to those made in the memoranda in chief.

(b) For purposes of paragraph (a) above, the word count shall exclude the caption, table of contents, table of authorities, and signature block.

(c) Every brief, memorandum, affirmation, and affidavit *which was prepared by use of a computer* shall include on a page attached to the end of the applicable document, a certification by the counsel who has filed the document setting forth the number of words in the document and certifying that the document complies with the word count limit. The counsel certifying compliance may rely on the word count of the word-processing system used to prepare the document.

(d) *Where typewritten or handwritten*, affidavits, affirmations, briefs and memoranda of law in chief shall be limited to 20 pages each; and reply affidavits, affirmations, and memoranda shall be limited to 10 pages each and shall not contain any arguments that do not respond or relate to those made in the memoranda in chief.

(e) *Where a party opposing a motion makes a cross-motion*, the affidavits, affirmations, briefs, or memoranda submitted by that party shall be limited to 7,000 words each when prepared by use of a computer or to 20 pages each when typewritten or handwritten. *Where a cross-motion is made*, reply affidavits, affirmations, briefs or memoranda of the party who made the principal motion shall be limited to 4,200 words when prepared by use of a computer or to 10 pages when typewritten or handwritten.

[(d)] (f) The court may, upon oral or letter application on notice to all parties permit the submission of affidavits, affirmations, briefs or memoranda which exceed the limitations set forth [in paragraph (a)] above. In the event that the court grants permission for an oversize submission, the certification required by paragraph [(b)] (c) above shall set forth the number of words in the document and certify compliance with the limit, if any set forth by the court.

Section 202.8-g Motions for Summary Judgment; Statements of Material Facts.

(a) Upon any motion for summary judgment, other than a motion made pursuant to CPLR 3213, *the court may direct* that there shall be annexed to the notice of motion a separate, short and concise statement, in numbered paragraphs, of the material facts as to which the moving party contends there is no genuine issue to be tried.

(b) In such a case, the papers opposing a motion for summary judgment

ment shall include a correspondingly numbered paragraph responding to each numbered paragraph in the statement of the moving party and, if necessary, additional paragraphs containing a separate short and concise statement of the material facts as to which it is contended that there exists a genuine issue to be tried.

(c) Each numbered paragraph in the statement of material facts required to be served by the moving party [will] *may* be deemed to be admitted *for purposes of the motion* unless specifically controverted by a correspondingly numbered paragraph in the statement required to be served by the opposing party. *The court may allow any such admission to be amended or withdrawn on such terms as may be just.*

(d) Each statement of material fact by the movant or opponent pursuant to subdivision (a) or (b), including each statement controverting any statement of material fact, must be followed by citation to evidence submitted in support of or in opposition to the motion.

(e) *In the event that the proponent of a motion for summary judgment fails to provide a statement of undisputed facts though required to do so, the court may order compliance and adjourn the motion, may deny the motion without prejudice to renewal upon compliance, or may take such other action as may be just and appropriate. In the event that the opponent of a motion for summary judgment fails to provide any counter statement of undisputed facts though required to do so, the court may order compliance and adjourn the motion, may, after notice to the opponent and opportunity to cure, deem the assertions contained in the proponent's statement to be admitted for purposes of the motion, or may take such other action as may be just and appropriate.*

Section 202.20 Interrogatories.

Interrogatories are limited to 25 in number, including subparts, unless the parties agree or the court orders otherwise. This limit applies to consolidated actions as well.

Section 202.20-a(b) Privilege Logs.

(b) Court Order. Agreements and protocols agreed upon by parties [shall] *may* be memorialized in a court order. In the event the parties are unable to enter into an agreement or protocol, the court shall by order provide for the scope of the privilege review, the amount of information to be set out in the privilege log, the use of categories to reduce document-by-document logging, whether any categories of information may be excluded from the logging, whether any categories of information may be excluded from the logging requirement, and any other issues pertinent to privilege review, including the entry of an appropriate non-waiver order, and the allocation of costs and expenses as between the parties.

Section 202.20-c(c) Requests for Documents.

(c) [In each Response,] *The Response shall contain, at the conclusion of thereof, the affidavit of the responding party stating [shall, verify, for each individual requests]: (i) whether the production of documents in its possession, custody or control and that are responsive to the individual requests[, as propounded or modified,] is complete; or (ii) that there are no documents in its possession, custody or control that are responsive to [the] any individual requests [as propounded or modified].*

Section 202.20-h Pre-Trial Memoranda, Exhibit Book, and Requests for Jury Instructions.

(a) [C]*The court may direct that counsel [shall] submit pre-trial memoranda at the pre-trial conference, or such other time as the court may set. Counsel shall comply with CPLR 2103(e). [A]Unless otherwise directed by the court, a single memorandum no longer than 25 pages shall be submitted by each side[. N] and no memoranda in response shall be submitted.*

(b) [O]*The court may direct that on the first day of trial or at such other time as the court may set, counsel shall submit an indexed binder or notebook, or the electronic equivalent, of trial exhibits for the court's use. [A]Such submission shall include a copy for each attorney on trial and the originals in a similar binder or notebook for the witnesses [shall be prepared and submitted]. Plaintiff's exhibits shall be numerically tabbed, and defendant's exhibits shall be tabbed alphabetically.*

(c) Where the trial is by jury, counsel shall, on the first day of the trial or such other time as the court may set, provide the court with

case-specific requests to charge and proposed jury interrogatories. Where the requested charge is from the New York Pattern Jury Instructions - Civil, a reference to the PJI number will suffice. Submissions should be by hard copy and electronically, as directed by the court.

Section 202.20-i Direct Testimony by Affidavit.

[T]*Upon request of a party, the court may [require] permit that direct testimony of [a]that party's own witness in a non-jury trial or evidentiary hearing [shall] be submitted in affidavit form, provided, however, [(a) that the court may not require the submission of a direct testimony affidavit from a witness who is not under the control of the party offering the testimony and (b)] that the opposing party shall have the right to object to statements in the direct testimony affidavit, and the court shall rule on such objections, just as if the statements had been made orally in open court. Where an objection to a portion of a direct testimony affidavit is sustained, the court may direct that such portion be stricken. The submission of direct testimony in affidavit form shall not affect any right to conduct cross-examination or re-direct examination of the witness.*

Section 202.20-j [Parties and Nonparties should adhere] *Adherence to the Electronically Stored Information ("ESI") Guidelines Set Forth in Appendix Hereto.*

[Section V of Appendix A of the Uniform Civil Rules for the Supreme Court and the County Courts is hereby amended as follows:

V. The requesting party shall defray the nonparty's reasonable production expenses in accordance with Rules 3111 and 3122(d) of the CPLR.] *Parties and nonparties should adhere to the Electronically Stored Information ("ESI") Guidelines set forth in Appendix A hereto.*

Section 202.26(c) Settlement and Pretrial Conferences.

(c) Consultation Regarding Expert Testimony. The court *presiding over a non-jury trial or hearing* may direct that prior, or during, the trial *or hearing*, counsel for the parties consult in good faith to identify those aspects of their respective experts' anticipated testimony that are not in dispute. The court may further direct that any agreements reached in this regard shall be reduced to a written stipulation.

Section 202.34 Pre-Marking of Exhibits.

Counsel for the parties shall consult prior to trial and shall in good faith attempt to agree upon the exhibits that will be offered into evidence without objection. [P]*Unless otherwise directed by the court, prior to the commencement of the trial, each side shall [then] mark its exhibits into evidence, subject to court approval, as to those to which no objection has been made. All exhibits not consented to shall be marked for identification only. If the trial exhibits are voluminous, counsel shall consult the clerk of the part for guidance. The court [will] should rule upon the objections to the contested exhibits at the earliest possible time. Exhibits not previously demanded which are to be used solely for credibility or rebuttal need not be pre-marked.*

Section 202.37 Scheduling Witnesses.

At the commencement of the trial or at such time as the court may direct, each party shall identify in writing for the court the witnesses it intends to call, the order in which they shall testify and the estimated length of their testimony, and shall provide a copy of such witness list to opposing counsel. Counsel shall separately identify for the court only a list of the witnesses who may be called solely for rebuttal or with regard to credibility. The court may permit for good cause shown and in the absence of substantial prejudice, a party to call a witness to testify who was not identified on the witness list submitted by that party. The estimates of the length of testimony *and the order of witnesses* provided by counsel are advisory *only*, and the court *may permit witnesses to be called in a different order and may permit further testimony from a witness notwithstanding that the time estimate for such witness has been exceeded.*

EXHIBIT B

Section 202.16 *Application of Part 202 and Section 202.16.* Matrimonial actions; calendar control of financial disclosure in actions and proceedings involving alimony, maintenance, child support and equitable distribution; motions for alimony, counsel fees pendente lite, and child support; special rules

(a) Applicability of Part 202 and Section 202.16.

(1) *Part 202 shall be applicable to civil actions and proceedings in the Supreme Court, including, but not limited to, matrimonial ac-*

tions and proceedings, except as otherwise provided in this section 202.16 and in sections 202.16-a, 202.16-b, and 202.18, which sections shall control in the event of conflict.

(2) This section shall be applicable to all contested actions and proceedings in the Supreme Court in which statements of net worth are required by section 236 of the Domestic Relations Law to be filed and in which a judicial determination may be made with respect to alimony, counsel fees, pendente lite, maintenance, custody and visitation, child support, or the equitable distribution of property, including those referred to Family Court by the Supreme Court pursuant to section 464 of the Family Court Act.

(b) Form of Statements of Net Worth.

Sworn statements of net worth, except as provided in subdivision (k) of this section, exchanged and filed with the court pursuant to section 236 of the Domestic Relations Law, shall be in substantial compliance with the Statement of Net Worth form contained in [Chapter III, Subchapter A of Subtitle D (Forms) of this Title] *appendix A of this Part* [see Appendix A, following part 218].

(c) Retainer Agreements

(1) A signed copy of the attorney's retainer agreement with the client shall accompany the statement of net worth filed with the court, and the court shall examine the agreement to assure that it conforms to Appellate Division attorney conduct and disciplinary rules. Where substitution of counsel occurs after the filing with the court of the net worth statement, a signed copy of the attorney's retainer agreement shall be filed with the court within 10 days of its execution.

(2) An attorney seeking to obtain an interest in any property of his or her client to secure payment of the attorney's fee shall make application to the court for approval of said interest on notice to the client and to his or her adversary. The application may be granted only after the court reviews the finances of the parties and an application for attorney's fees.

(d) Request for Judicial Intervention.

A request for judicial intervention shall be filed with the court by the plaintiff no later than 45 days from the date of service of the summons and complaint or summons with notice upon the defendant, unless both parties file a notice of no necessity with the court, in which event the request for judicial intervention may be filed no later than 120 days from the date of service of the summons and complaint or summons with notice upon the defendant. Notwithstanding section 202.6(a) of this Part, the court shall accept a request for judicial intervention that is not accompanied by other papers to be filed in court.

(e) Certification of Paper and Obligations of Counsel Appearing Before the Court

(1) Every paper served on another party or filed or submitted to the court in a matrimonial action shall be signed as provided in section 130-1.1a of this Title.

(2) *Counsel who appear before the court must be familiar with the case with regard to which they appear and be fully prepared and authorized to discuss and resolve the issues which are scheduled to be the subject of the appearance. Failure to comply with this rule may be treated as a default for purposes of Rule 202.27 and/or may be treated as a failure to appear for purposes of Rule 130.21, provided that, in matrimonial actions and proceedings, consistent with applicable case law on defaults in matrimonial actions, failure to comply with this rule may, either in lieu of or in addition to any other direction, be considered in the determination of any award of attorney fees or expenses.*

(f) Preliminary Conference.

(1) In all actions or proceedings to which this section of the rules is applicable, a preliminary conference shall be ordered by the court to be held within 45 days after the action has been assigned. Such order shall set the time and date for the conference and shall specify the papers that shall be exchanged between the parties. These papers must be exchanged no later than 10 days prior to the preliminary conference, unless the court directs otherwise. These papers shall include:

(i) statements of net worth, which also shall be filed with the court no later than 10 days prior to the preliminary conference;

(ii) all paycheck stubs for the current calendar year and the last paycheck stub for the immediately preceding calendar year;

(iii) all filed State and Federal income tax returns for the previous three years, including both personal returns and returns filed on behalf of any partnership or closely held corporation of which the party is a partner or shareholder;

(iv) all W-2 wage and tax statements, 1099 forms, and K-1 forms for any year in the past three years in which the party did not file State and Federal income tax returns;

(v) all statements of accounts received during the past three years from each financial institution in which the party has maintained any account in which cash or securities are held;

(vi) the statements immediately preceding and following the date of commencement of the matrimonial action pertaining to:

(a) any policy of life insurance having a cash or dividend surrender value; and

(b) any deferred compensation plan of any type or nature in which the party has an interest including, but not limited to, Individual Retirement Accounts, pensions, profit-sharing plans, Keogh plans, 401(k) plans and other retirement plans.

(1-a) *Where both parties are represented by counsel, counsel shall consult with each other prior to the preliminary conference to discuss the matters set forth in paragraph (2) below and in NYCRR § 202.11 in a good faith effort to reach agreement on such matters. Notwithstanding NYCRR § 202.11, no prior consultation is required where either or both of the parties is self-represented. Counsel shall, prior to or at the conference, submit to the court a writing with respect to any resolutions reached, which the court shall "so order" if approved and in proper form.*

(1-b) Both parties personally must be present in court at the time of the conference, and the judge personally shall address the parties at some time during the conference.

(2) The matters to be considered at the conference may include, among other things:

(i) applications for pendente lite relief, including interim counsel fees;

(ii) compliance with the requirement of compulsory financial disclosure, including the exchange and filing of a supplemental statement of net worth indicating material changes in any previously exchanged and filed statement of net worth, *and, including the number and length of depositions, the number of interrogatories, and agreement of the parties to comply with Guidelines on Electronically Stored Information. Unless otherwise stipulated by the parties or ordered by the court, interrogatories shall be no more than 25 in number including subparts; and depositions shall be no more than 7 hours long. The Provisions of NYCRR § 202.20-b(a)(1) limiting the number of depositions taken by plaintiffs, or by defendants, or by third-party defendants, shall not apply to matrimonial actions.*

(iii) simplification and limitation of the issues;

(iv) the establishment of a timetable for the completion of all disclosure proceedings, provided that all such procedures must be completed and the note of issue filed within six months from the commencement of the conference, unless otherwise shortened or extended by the court depending upon the circumstances of the case;

(v) the completion of a preliminary conference order substantially in the form contained in Appendix "G" to these rules, with attachments; and

(vi) any other matters which the court shall deem appropriate.

(3) At the close of the conference, the court shall direct the parties to stipulate, in writing or on the record, as to all resolved issues, which the court then shall "so order," and as to all issues with respect to fault, custody and finance that remain unresolved. Any issues with respect to fault, custody and finance that are not specifically described in writing or on the record at that time may not be raised in the action unless good cause is shown. The court shall fix a schedule for discovery as to all unresolved issues and, in a noncomplex case, shall schedule a date for trial not later than six months from the date of the conference. The court may appoint an attorney for the infant children, or may direct the parties to file with the court, within 30 days of the conference, a list of suitable attorneys for children for selection by the court. The court also may direct that a list of expert witnesses be filed with the court within 30 days of the conference from which the court

may select a neutral expert to assist the court. The court shall schedule a compliance conference unless the court dispenses with the conference based upon a stipulation of compliance filed by the parties.

(4) Unless the court excuses their presence, the parties personally must be present in court at the time of the compliance conference. If the parties are present in court, the judge personally shall address them at some time during the conference. *If the parties are present in court, the judge personally shall address them at some point during the conference. Where both parties are represented by counsel, counsel shall consult with each other prior to the compliance conference in a good faith effort to resolve any outstanding issues. Notwithstanding NYCRR § 202.11, no prior consultation is required where either or both of the parties is self-represented. Counsel shall, prior to or at the compliance conference, submit to the court a writing with respect to any resolutions reached, which the court shall “so order” if approved and in proper form.*

(5) *In accordance with Section 202.20-c(f), absent good cause, a party may not use at trial or otherwise any document which was not produced in response to a request for such document or category of document, which request was not objected to, or, if objected to, such objection was overruled by the court, provided, however, the court may exercise its discretion to impose such other, further, or additional penalty for non-disclosure as may be authorized by law and which may be more appropriate in a matrimonial action than preclusion or where there is a continuing obligation to update (e.g., updated tax returns, W-2 statements, etc.).*

(6) *The Court shall alert the parties to the requirements of 22 NYCRR § 202.20-c regarding requests for documents; § 202.20-e regarding adherence to discovery schedule, and § 202.20-f regarding discovery disputes, and shall address the issues of potential for default, preclusion, denial of discovery, drawing inferences, or deeming issues to be true, as well as sanctions and/or counsel fees in the event default or preclusion or such other remedies are not appropriate in a matrimonial action.*

(g) *Expert Witnesses and Other Trial Matters.*

(1) Responses to demands for expert information pursuant to CPLR section 3101(d) shall be served within 20 days following service of such demands.

(2) Each expert witness whom a party expects to call at the trial shall file with the court a written report, which shall be exchanged and filed with the court no later than 60 days before the date set for trial, and reply reports, if any, shall be exchanged and filed no later than 30 days before such date. Failure to file with the court a report in conformance with these requirements may, in the court’s discretion, preclude the use of the expert. Except for good cause shown, the reports exchanged between the parties shall be the only reports admissible at trial. Late retention of experts and consequent late submission of reports shall be permitted only upon a showing of good cause as authorized by CPLR 3101(d)(1)(i). In the discretion of the court, written reports may be used to substitute for direct testimony at the trial, but the reports shall be submitted by the expert under oath, and the expert shall be present and available for cross-examination. In the discretion of the court, in a proper case, parties may be bound by the expert’s report in their direct case.

(3) *Pursuant to NYCRR § 202.26, in cases in which both parties are represented by counsel and each party has called, or intends to call, an expert witness on issues of finances (e.g., equitable distribution, maintenance, child support), the court may direct that, prior to, or during trial, counsel consult in good faith to identify those aspects of their respective experts’ testimony that are not in dispute. The court may further direct that any agreements reached in this regard shall be reduced to a written stipulation. Such consultation shall not be required where one or both parties is self-represented or where the expert testimony relates to matters of child custody or parental access, domestic violence, domestic abuse, or child neglect or abuse.*

(4) *The provisions of section 202.20-a regarding privilege logs shall not apply to matrimonial actions and proceedings unless the court orders otherwise.*

(5) *Parties and non-parties should adhere to the Electronically Stored Information (“ESI”) Guidelines set forth in an Appendix to the Uniform Civil Rules.*

(6) *At the commencement of the trial or at such time as the court may direct, each party shall identify in writing for the court the witnesses it intends to call, the order in which they shall testify and the estimated length of their testimony, and shall provide a copy of such witness list to opposing counsel. Counsel shall separately identify for the court only a list of the witnesses who may be called solely for rebuttal or with regard to credibility. The court may permit for good cause shown and in the absence of substantial prejudice, a party to call a witness to testify who was not identified on the witness list submitted by that party. The estimates of the length of testimony and the order of witnesses provided by counsel are advisory only and the court may permit witnesses to be called in a different order and may permit further testimony from a witness notwithstanding that the time estimate for such witness has been exceeded.*

(h) *Statement of Proposed Disposition.*

(1) Each party shall exchange a statement setting forth the following:

- (i) the assets claimed to be marital property;
- (ii) the assets claimed to be separate property;
- (iii) an allocation of debts or liabilities to specific marital or separate assets, where appropriate;
- (iv) the amount requested for maintenance, indicating and elaborating upon the statutory factors forming the basis for the maintenance request;
- (v) the proposal for equitable distribution, where appropriate, indicating and elaborating upon the statutory factors forming the basis for the proposed distribution;
- (vi) the proposal for a distributive award, if requested, including a showing of the need for a distributive award;
- (vii) the proposed plan for child support, indicating and elaborating upon the statutory factors upon which the proposal is based; and
- (viii) the proposed plan for custody and visitation of any children involved in the proceeding, setting forth the reasons therefor.

(2) A copy of any written agreement entered into by the parties relating to financial arrangements or custody or visitation shall be annexed to the statement referred to in paragraph (1) of this subdivision.

(3) The statement referred to in paragraph (1) of this subdivision, with proof of service upon the other party, shall, with the note of issue, be filed with the court. The other party, if he or she has not already done so, shall file with the court a statement complying with paragraph (1) of this subdivision within 20 days of such service.

(i) *Filing of Note of Issue.*

No action or proceeding to which this section is applicable shall be deemed ready for trial unless there is compliance with this section by the party filing the note of issue and certificate of readiness.

(j) *Referral to Family Court.*

In all actions or proceedings to which this section is applicable referred to the Family Court by the Supreme Court pursuant to section 464 of the Family Court Act, all statements, including supplemental statements, exchanged and filed by the parties pursuant to this section shall be transmitted to the Family Court with the order of referral.

(k) *Motions for Alimony, Maintenance, Counsel Fees Pendente Lite and Child support (other than under section 237(c) or 238 of the Domestic Relations Law).*

Unless, on application made to the court, the requirements of this subdivision be waived for good cause shown, or unless otherwise expressly provided by any provision of the CPLR or other statute, the following requirements shall govern motions for alimony, maintenance, counsel fees (other than a motion made pursuant to section 237(c) or 238 of the Domestic Relations Law for counsel fees for services rendered by an attorney to secure the enforcement of a previously granted order or decree) or child support or any modification of an award thereof:

(1) Such motion shall be made before or at the preliminary conference, if practicable.

(2) No motion shall be heard unless the moving papers include a statement of net worth in the official form prescribed by subdivision (b) of this section.

(3) No motion for counsel fees and expenses shall be heard un-

less the moving papers also include the affidavit of the movant's attorney stating the moneys, if any, received on account of such attorney's fee from the movant or any other person on behalf of the movant, the hourly amount charged by the attorney, the amounts paid, or to be paid, to counsel and any experts, and any additional costs, disbursements or expenses, and the moneys such attorney has been promised by, or the agreement made with, the movant or other persons on behalf of the movant, concerning or in payment of the fee. Fees and expenses of experts shall include appraisal, accounting, actuarial, investigative and other fees and expenses (including costs for processing of NYSCEF documents because of the inability of a self-represented party that desires to e-file to have computer access or afford internet accessibility) to enable a spouse to carry on or defend a matrimonial action or proceeding in the Supreme Court.

(4) The party opposing any motion shall be deemed to have admitted, for the purpose of the motion but not otherwise, such facts set forth in the moving party's statement of net worth as are not controverted in:

(i) a statement of net worth, in the official form prescribed by this section, completed and sworn to by the opposing party, and made a part of the answering papers; or

(ii) other sworn statements or affidavits with respect to any fact which is not feasible to controvert in the opposing party's statement of net worth.

(5) The failure to comply with the provisions of this subdivision shall be good cause, in the discretion of the judge presiding, either:

(i) to draw an inference favorable to the adverse party with respect to any disputed fact or issue affected by such failure; or

(ii) to deny the motion without prejudice to renewal upon compliance with the provisions of this section.

(6) The notice of motion submitted with any motion for or related to interim maintenance or child support shall contain a notation indicating the nature of the motion. Any such motion shall be determined within 30 days after the motion is submitted for decision.

(7) Upon any application for an award of counsel fees or fees and expenses of experts made prior to the conclusion of the trial of the action, the court shall set forth in specific detail, in writing or on the record, the factors it considered and the reasons for its decision.

(l) Hearings or trials pertaining to temporary or permanent custody or visitation shall proceed from day to day conclusion. With respect to other issues before the court, to the extent feasible, trial should proceed from day to day to conclusion.

(m) *The court may, for good cause, relieve the parties and counsel from the requirements of 22 NYCRR § 202.34 regarding pre-marking of exhibits and 22 NYCRR § 202.20-h. regarding pre-trial memoranda and Exhibit Books.*

(n) *Upon request of a party, the court may permit direct testimony of that party's own witness in a non-jury trial or evidentiary hearing shall be submitted in affidavit form, provided, however, that the opposing party shall have the right to object to statements in the direct testimony affidavit, and the court shall rule on such objections, just as if the statements had been made orally in open court. Where an objection to a portion of a direct testimony affidavit is sustained, the court may direct that such portion be stricken. The submission of direct testimony in affidavit form shall not affect any right to conduct cross-examination or re-direct examination of the witness. Notwithstanding the foregoing, in an action for custody, visitation, contempt, order of protection or exclusive occupancy, however, except as provided in NYCRR § 202.18, a party or a party's own witness may not testify on direct examination by affidavit.*

[m] (o) Omission or Redaction of Confidential Personal Information from Matrimonial Decisions.

* * *

Section 202.16-b Submission of Written Applications in Contested Matrimonial Actions.

(1) Applicability. This section shall be applicable to all contested matrimonial actions and proceedings in Supreme Court authorized by subdivision (2) of Part B of section 236 of the Domestic Relations Law.

(2) Unless otherwise expressly provided by any provision of the

CPLR or other statute, and in addition to the requirements of 22 NYCRR § 202.16(k) where applicable, the following rules and limitations are required for the submission of papers in all applications (including post judgment applications) for alimony, maintenance, counsel fees, child support, exclusive occupancy, custody and visitation unless said requirements are waived by the judge for good cause shown:

(i) Applications that are deemed an emergency must comply with 22 NYCRR § 202.[7]8(e) and provide for notice, where applicable, in accordance with same. These emergency applications shall receive a preference by the clerk for processing and the court for signature. Designating an application as an emergency without good cause may be punishable by the issuance of sanctions pursuant to Part 130 of the Rules of the Chief Administrative Judge. Any application designated as an emergency without good cause shall be processed and considered in the ordinary course of local court procedures.

(ii) Where practicable, all orders to show cause, motions or cross-motions for relief should be made in one order to show cause or motion or cross-motion. *The utilization of the requirement to move by order to show cause or notice of motion shall be governed by local part rule.*

[(iii) All orders to show cause and motions or cross motions shall be submitted on one-sided copy except as otherwise provided in 22 NYCRR § 202.5(a), or electronically where authorized, with one-inch margins on eight and one half by eleven (8.5 x 11) inch paper with all additional exhibits tabbed. They shall be in Times New Roman font 12 and double spaced. They must be of sufficient quality ink to allow for the reading and proper scanning of the documents. Self-represented litigants may submit handwritten applications provided that the handwriting is legible and otherwise in conformity with these rules.]

[(iv) The supporting affidavit or affidavit in opposition or attorney affirmation in support or opposition or memorandum of law shall not exceed twenty (20) pages. Any expert affidavit required shall not exceed eight (8) additional pages. Any attorney affirmation in support or opposition or memorandum of law shall contain only discussion and argument on issues of law except for facts known only to the attorney. Any reply affidavits or affirmations to the extent permitted shall not exceed ten (10) pages. Sur-reply affidavits can only be submitted with prior court permission.]

[(iv)](iii) *Length of Papers: Parties shall comply with the word limitations in subsections (a)-(f) of 22 NYCRR § 202.8(b) as amended.*

(iv) *Form of Papers: Parties shall comply with the requirements of 22 NYCRR § 202.5(a) as amended.*

(v) *Notwithstanding 22 NYCRR § 202.5-a, papers and correspondence may be transmitted to the court by fax by a self-represented party without prior court approval unless prohibited by a local part rule or judicial order.*

(vi) *Self-represented litigants may submit handwritten applications provided that the handwriting is legible and otherwise in conformity with all applicable rules.*

[(v)](vii) Except for affidavits of net worth (pursuant to 22 NYCRR § 202.16[b]), retainer agreements (pursuant to Rule 1400.3 of the Joint Rules of the Appellate Division), maintenance guidelines worksheets and/or child support worksheets, or counsel fee billing statements or affirmations or affidavits related to counsel fees (pursuant to Domestic Relations Law § 237 and 22 NYCRR § 202.16[k]), all of which may include attachments thereto, all exhibits annexed to any motion, cross motion, order to show cause, opposition or reply may not be greater than three (3) inches thick without prior permission of the court. All *such* exhibits must contain exhibit tabs.

[(vi) If the application or responsive papers exceed the page or size limitation provided in this section, counsel or the self-represented litigant must certify in good faith the need to exceed such limitation, and the court may reject or require revision of the application if the court deems the reasons insufficient.]

[(3) Nothing contained herein shall prevent a judge or justice of the court or of a judicial district within which the court sits from establishing local part rules to the contrary or in addition to these rules.]

AMENDMENT OF RULE

Judicial Departments of the Appellate Division

The Judicial Departments of the Appellate Division of the New York State Supreme Court, pursuant to the authority vested in them, do hereby amend Part 1200, Rule 8.4 (g) (Rules of Professional Conduct) of Title 22 of the Official Compilation of the Codes, Rules, and Regulations of the State of New York, as follows, effective immediately (deletions in strikethrough, additions underlined).

Rule 8.4: Misconduct.

A lawyer or law firm shall not:

* * *

(g) [unlawfully discriminate in the practice of law, including in hiring, promoting or otherwise determining conditions of employment on the basis of age, race, creed, color, national origin, sex, disability, marital status, sexual orientation, gender identity, or gender expression. Where there is a tribunal with jurisdiction to hear a complaint, if timely brought, other than a Departmental Disciplinary Committee, a complaint based on unlawful discrimination shall be brought before such tribunal in the first instance. A certified copy of a determination by such a tribunal, which has become final and enforceable and as to which the right to judicial or appellate review has been exhausted, finding that the lawyer has engaged in an unlawful discriminatory practice shall constitute prima facie evidence of professional misconduct in a disciplinary proceeding; or]

engage in conduct in the practice of law that the lawyer or law firm knows or reasonably should know constitutes:

(1) *unlawful discrimination, or*

(2) *harassment, whether or not unlawful, on the basis of one or more of the following protected categories: race, color, sex, pregnancy, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, gender expression, marital status, status as a member of the military, or status as a military veteran.*

(3) *“Harassment” for purposes of this Rule, means physical contact, verbal conduct, and/or nonverbal conduct such as gestures or facial expressions that is:*

- a. directed at an individual or specific individuals; and*
- b. derogatory or demeaning.*

Conduct that a reasonable person would consider as petty slights or trivial inconveniences does not rise to the level of harassment under this Rule.

(4) *This Rule does not limit the ability of a lawyer or law firm to, consistent with these Rules:*

- a. accept, decline, or withdraw from a representation;*
- b. express views on matters of public concern in the context of teaching, public speeches, continuing legal education programs, or other forms of public advocacy or education, or in any other form of written or oral speech protected by the United States Constitution or the New York State Constitution; or*
- c. provide advice, assistance, or advocacy to clients.*

(5) *“Conduct in the practice of law” includes:*

- a. representing clients;*
- b. interacting with witnesses, coworkers, court personnel, lawyers, and others, while engaging in the practice of law; and*
- c. operating or managing a law firm or law practice; or*

(h) *engage in any other conduct that adversely reflects on the lawyer’s fitness as a lawyer.*

AMENDMENT OF RULE

Judicial Departments of the Appellate Division

The Judicial Departments of the Appellate Division of the New York State Supreme Court, pursuant to the authority vested in them, do hereby amend Part 1500.2, 1500.4, 1500.11, 1500.12, and 1500.22 of Title 22 of the Official Compilation of the Codes, Rules, and Regulations of the State of New York, as follows (additions underlined, deletions in strikethrough). The amendments to Part 1500.2, 1500.4, 1500.11, and 1500.12(b) will take effect on January 1, 2023. The amendments to Part 1500.12(a) and 1500.22 will take effect on July 1, 2023.

§ 1500.2 Definitions

* * *

(h) *Cybersecurity, Privacy and Data Protection*

(1) *Cybersecurity, Privacy and Data Protection—Ethics must relate to lawyers’ ethical obligations and professional responsibilities regarding the protection of electronic data and communication and may include, among other things: sources of lawyers’ ethical obligations and professional responsibilities and their application to electronic data and communication; protection of confidential, privileged and proprietary client and law office data and communication; client counseling and consent regarding electronic data, communication and storage protection policies, protocols, risks and privacy implications; security issues related to the protection of escrow funds; inadvertent or unauthorized electronic disclosure of confidential information, including through social media, data breaches and cyber attacks; and supervision of employees, vendors and third parties as it relates to electronic data and communication.*

(2) *Cybersecurity, Privacy and Data Protection—General must relate to the practice of law and may include, among other things, technological aspects of protecting client and law office electronic data and communication (including sending, receiving and storing electronic information; cybersecurity features of technology used; network, hardware, software and mobile device security; preventing, mitigating, and responding to cybersecurity threats, cyber attacks and data breaches); vetting and assessing vendors and other third parties relating to policies, protocols and practices on protecting electronic data and communication; applicable laws relating to cybersecurity (including data breach laws) and data privacy; and law office cybersecurity, privacy and data protection policies and protocols.*

[(h)](i) *Regulations and Guidelines refers to the Regulations and Guidelines of the Continuing Legal Education Board set forth in Part 7500 of Volume 22 of the New York Codes, Rules, and Regulations.*

* * *

§ 1500.4 Accreditation

* * *

(b) *Standards*

* * *

(2) *The course or program must have significant intellectual or practical content and its primary objective must be to increase the professional legal competency of the attorney in ethics and professionalism, skills, law practice management, areas of professional practice, [and/or] diversity, inclusion and elimination or bias, and/or cybersecurity, privacy and data protection.*

* * *

§ 1500.11 Statement of Purpose

Mandatory Continuing Legal Education for Newly Admitted Attorneys in the State of New York is a transitional continuing legal education program designed to help recent graduates and newly admitted attorneys become competent to deliver legal services at an acceptable level of quality as they enter practice and assume primary client service responsibilities. The Program seeks to help the newly admitted attorney establish a foundation in certain practical skills, techniques and procedures, which are and can be essential to the practice of law, but may not have been adequately addressed in law school. It includes courses targeting ethics and professionalism, skills, practice management[, and] areas of professional practice and cybersecurity, privacy and data protection.

* * *

§ 1500.12 Minimum Requirements

(a) *Credit Hours. [Each newly admitted attorney shall complete a minimum of 32 credit hours of accredited transitional education] W[w]ithin the first two (2) years of the date of admission to the Bar, each newly admitted attorney shall complete a minimum of 32 credit hours (16 credit hours each year) of accredited transitional education as follows:*

[Sixteen (16) accredited hours shall be completed in each of the first two (2) years of admission to the Bar as follows:]

[- Three (3) hours of ethics and professionalism;]

[- Six (6) hours of skills; and]

[- Seven (7) hours of law practice management and areas of professional practice.]

| Year 1* | Year 2* |
|---|---|
| Seven (7) credit hours of law practice management, areas of professional practice, and/or cybersecurity, privacy and data protection-general; | Seven (7) credit hours of law practice management, areas of professional practice, and/or cybersecurity, privacy and data protection-general; |
| Six (6) credit hours of skills; and | Six (6) credit hours of skills; and |
| Three (3) credit hours of ethics and professionalism. For cybersecurity, privacy and data protection-ethics, see below.** | Three (3) credit hours of ethics and professionalism. For cybersecurity, privacy and data protection-ethics, see below.** |

*As part of the 32-credit hour requirement, each newly admitted attorney must complete at least one (1) credit hour of cybersecurity, privacy and data protection.

** Attorneys may apply a maximum of three (3) credit hours of cybersecurity, privacy and data protection-ethics to the six-credit hour ethics and professionalism requirement.

Ethics and professionalism, skills, law practice management, [and] areas of professional practice, *and cybersecurity, privacy and data protection* are defined in § 1500.2. [The ethics and professionalism and skills components may be intertwined with other courses.]

(b) Carry-Over Credit. Except as provided in section 1500.13(b)(2), a newly admitted attorney who accumulates more than the 16 hours of credit required in the first year of admission to the Bar may carry over to the second year of admission to the Bar a maximum of eight (8) credits. Six (6) credits in excess of the 16-hour requirement in the second year of admission to the Bar may be carried over to the following biennial reporting cycle to fulfill the requirements of Subpart C. *Credit in [E]ethics and professionalism [credit] and cybersecurity, privacy and data protection-ethics* may not be carried over.

* * *

§ 1500.22 Minimum Requirements

(a) Credit Hours. Each attorney shall complete a minimum of 24 credit hours of accredited continuing legal education each biennial reporting cycle in ethics and professionalism, skills, law practice management, areas of professional practice, or diversity, inclusion and elimination of bias, *or cybersecurity, privacy and data protection*, at least four (4) credit hours of which shall be in ethics and professionalism, [and] at least one (1) credit hour of which shall be in diversity, inclusion and elimination of bias, *and at least one (1) credit hour of which shall be in cybersecurity, privacy and data protection*.

Attorneys may apply a maximum of three (3) credit hours of cybersecurity, privacy and data protection-ethics to the four-credit hour ethics and professionalism requirement.

Ethics and professionalism, skills, law practice management, areas of professional practice, [and] diversity, inclusion and elimination of bias, *and cybersecurity, privacy and data protection* are defined in § 1500.2. [The ethics and professionalism and diversity, inclusion and elimination of bias components may be intertwined with other courses.]

APPENDIX

The following Figure was filed with a Notice of Adoption, I.D. DOS-14-22-00006-A, and a Notice of Emergency Adoption, I.D. DOS-27-22-00003-E, both pertaining to New York State

Uniform Fire Prevention and Building Code (the Uniform Code), published in this issue of the State Register.



Figure 1: Grease Interceptor Warning Sign