
NEW YORK STATE
REGISTER

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- Adjudicatory Proceedings and Appeals Procedures for Matters Under the Commission's Jurisdiction

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

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

For notices published in this issue:

- the 60-day period expires on September 11, 2022
- the 45-day period expires on August 27, 2022
- the 30-day period expires on August 12, 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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Telephone: (518) 474-6957

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

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

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

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

Office for the Aging

NOTICE OF ADOPTION

Limits on Administrative Expenses and Executive Compensation

I.D. No. AGE-11-22-00002-A

Filing No. 465

Filing Date: 2022-06-22

Effective Date: 2022-07-13

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

Action taken: Repeal of Part 6656 of Title 9 NYCRR.

Statutory authority: Elder Law, section 201(3); Executive Order No. 38

Subject: Limits on Administrative Expenses and Executive Compensation.

Purpose: To repeal guidelines regarding placing limitations on Administrative Expenses and Executive Compensation.

Text or summary was published in the March 16, 2022 issue of the Register, I.D. No. AGE-11-22-00002-P.

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

Text of rule and any required statements and analyses may be obtained from: Stephen Syzdek, Office for the Aging, 2 Empire State Plaza, Albany, NY 12223, (518) 474-5041, email: stephen.syzdek@aging.ny.gov

Assessment of Public Comment

The agency received no public comment.

Department of Civil Service

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Jurisdictional Classification

I.D. No. CVS-28-22-00001-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading "Office of Temporary and Disability Assistance, by increasing the number of positions of Cultural Interpretation Specialist 2 from 5 to 7.

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

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

Jurisdictional Classification**I.D. No.** CVS-28-22-00002-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the exempt class.**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office for the Prevention of Domestic Violence," by adding thereto the position of Deputy Director.**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

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

Jurisdictional Classification**I.D. No.** CVS-28-22-00003-P

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

Proposed Action: Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the exempt class.**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Taxation and Finance, by increasing the number of positions of Deputy Commissioner from 5 to 6.**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

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

Jurisdictional Classification**I.D. No.** CVS-28-22-00004-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the non-competitive class.**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department, by adding thereto the position of Equal Opportunity Specialist 1 (1).**Text of proposed rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Data, views or arguments may be submitted to:** Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov**Public comment will be received until:** 60 days after publication of this notice.**Regulatory Impact Statement**

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

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

Jurisdictional Classification

I.D. No. CVS-28-22-00005-P

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

Proposed Action: Amendment of Appendix 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading “Division of Homeland Security and Emergency Services,” by adding thereto the positions of Information Security Manager (2), Information Technology Specialist 2 (Information Security), Information Technology Specialist 3 (Information Security), Information Technology Specialist 4 (Information Security) and Manager Information Technology Services 2 (Information Security) (4).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

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

Jurisdictional Classification

I.D. No. CVS-28-22-00006-P

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

Proposed Action: Amendment of Appendixes 1 and 2 of Title 4 NYCRR.

Statutory authority: Civil Service Law, section 6(1)

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class and to classify a position in the non-competitive class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Motor Vehicles, by increasing the number of positions of Deputy Commissioner from 4 to 5 and Special Assistant from 4 to 6; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Motor Vehicles, by adding thereto the position of Chief Information Security Officer (1).

Text of proposed rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov

Data, views or arguments may be submitted to: Eugene Sarfoh, Counsel, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-2624, email: public.comments@cs.ny.gov

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

Regulatory Impact Statement

A regulatory impact statement is not submitted with this notice because this rule is subject to a consolidated regulatory impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

Job Impact Statement

A job impact statement is not submitted with this notice because this rule is subject to a consolidated job impact statement that was previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

**State Commission of
Correction**

**EMERGENCY
RULE MAKING**

Segregated Confinement

I.D. No. CMC-15-22-00007-E

Filing No. 466

Filing Date: 2022-06-23

Effective Date: 2022-06-23

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

Action taken: Addition of sections 7000.1(f), 7005.2(c), Parts 7076 and 7077; amendment of sections 7003.3(j)(6), 7006.1, 7006.7(a), 7006.8, 7006.9(a)(5), 7017.1, 7028.2(d), 7075.1, 7075.2, 7075.3, 7075.4 and 7075.5 of Title 9 NYCRR.

Statutory authority: Correction Law, section 45(6) and (15)

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

Specific reasons underlying the finding of necessity: On March 31, 2021, Governor Cuomo signed into law what is commonly known as the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act (Chapter 93 of the Laws of 2021), which generally serves to restrict the use of segregated confinement in state and local correctional facilities, while creating alternative therapeutic and rehabilitative confinement options.

The legislation places strict limitations on a local correctional facility’s use of segregated confinement, which is defined as the confinement of an incarcerated individual to a cell in excess of 17 hours per day, with limited exceptions. The segregated confinement of incarcerated individuals 21 years of age and younger, 55 years of age or older, disabled or pregnant is prohibited. Out-of-cell programming must generally be offered to individuals in segregated confinement at least 4 hours per day, and at least 6 hours per day for individuals confined in residential rehabilitation units, utilized by large facilities for incarcerated individuals who have reached the time limitations of segregated confinement.

The HALT Act imposes numerous and precise requirements on the conditions, programming, duration and reporting of a local correctional

facility's use of segregated confinement and operation of a residential rehabilitation unit. Consequently, the proposed rulemaking is immediately necessary to conform with the enactment of the HALT Act and to provide local governments with the rules necessary to comply with the legislation.

For the aforementioned reasons, SCOC finds that immediate adoption of the rule is necessary for the preservation of public safety and general welfare, and that compliance with the rulemaking procedures set forth in State Administrative Procedure Act section 202(1) would be contrary to the public interest. By immediately adopting these regulations, SCOC will be able to ensure that the incarcerated individuals of local correctional facilities are not subject to segregated confinement or confinement to a residential rehabilitation unit in violation of the requirements of the HALT Act. Given the upcoming statutory deadline, emergency adoption is needed to require timely compliance with the legislation. Thus, SCOC finds that the regulation must be adopted and implemented effective March 31, 2022 on an emergency basis, and compliance with the minimum periods of notice, public comment and other requirements of State Administrative Procedure Act section 202(1) would be contrary to the public interest.

Subject: Segregated confinement.

Purpose: Set minimum standards for the imposition of segregated confinement and the operation of RRUs in jails.

Substance of emergency rule (Full text is posted at the following State website: www.scoc.ny.gov): A new Part 7076 of Title 9 NYCRR is established that provides minimum standards for conditions, programming, duration, recordkeeping and reporting of segregated confinement with respect to incarcerated individuals of a local correctional facility.

A new Part 7077 of Title 9 NYCRR is established that provides minimum standards for conditions, programming, duration, recordkeeping and reporting of an incarcerated individual's assignment to a residential rehabilitation unit of a local correctional facility.

Existing SCOC jail regulations are amended as follows:

(a) Requiring a local correctional facility's annual report to the Commission detailing all aspects of segregated confinement and residential rehabilitation units occurring in the facility during the preceding calendar year;

(b) Prohibiting the confinement of an incarcerated individual to a shower area in excess of the time necessary to complete the shower;

(c) Limiting the use of segregated confinement pending a disciplinary hearing;

(d) Requiring minimum training of disciplinary hearing officers prior to presiding over hearings;

(e) Allowing representation by an attorney, law student, paralegal or other incarcerated person at a disciplinary hearing in which segregated confinement is an authorized sanction; and

(f) Requiring specialized training of all special housing unit and RRU staff and supervisors prior to assignment;

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. CMC-15-22-00007-EP, Issue of April 13, 2022. The emergency rule will expire August 21, 2022.

Text of rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, Associate Attorney, Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.ny.gov

Regulatory Impact Statement

The New York State Commission of Correction ("Commission") seeks to add a new subdivision (f) of section 7000.1, amend paragraph (6) of subdivision (j) of section 7003.3, add a new subdivision (c) of section 7005.2, amend section 7006.1, amend subdivision (a) of section 7006.7, amend subdivisions (a), (b) and (c) of section 7006.8, amend paragraph (5) of subdivision (a) of section 7006.9, amend section 7017.1, amend subdivision (d) of section 7028.2, amend the title of Part 7075, amend section 7075.1, amend section 7075.2, amend section 7075.3, amend section 7075.4, amend section 7075.5, add a new Part 7076, and add a new Part 7077 of Title 9 NYCRR.

1. Statutory authority:

Subsection (6) of section 45 of the Correction Law authorizes the Commission to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all person confined in the correctional facilities of New York State. Subdivision (15) of section 45 of the Correction Law allows the Commission to adopt, amend or rescind such rules and regulations as may be necessary or convenient to the performance of its functions, powers and duties.

2. Legislative objectives:

By vesting the Commission with this rulemaking authority, and recently

amending Correction Law section 45(18) to require the Commission to assess and annually report on the compliance of local correctional facilities with statutory requirements, the Legislature intended the Commission to maintain minimum standards for the segregated confinement of incarcerated individuals and the operation of residential rehabilitation units.

3. Needs and benefits:

On March 31, 2021, Governor Cuomo signed into law what is commonly known as the Humane Alternatives to Long-Term Solitary Confinement (HALT) Act (Chapter 93 of the Laws of 2021), which generally serves to restrict the use of segregated confinement in state and local correctional facilities, while creating alternative therapeutic and rehabilitative confinement options.

The legislation places strict limitations on a local correctional facility's use of segregated confinement, which is defined as the confinement of an incarcerated individual to a cell in excess of 17 hours per day, with limited exceptions. The segregated confinement of incarcerated individuals 21 years of age and younger, 55 years of age or older, disabled or pregnant is prohibited. Out-of-cell programming must generally be offered to individuals in segregated confinement at least 4 hours per day, and at least 6 hours per day for individuals confined in residential rehabilitation units, utilized by large facilities for incarcerated individuals who have reached the time limitations of segregated confinement.

The HALT Act imposes numerous and precise requirements on the conditions, programming, duration and reporting of a local correctional facility's use of segregated confinement and operation of a residential rehabilitation unit. Although inclusive, the legislation is not organized or conveyed in a manner that allows for immediate reference and comprehension by correctional facility staff. Incorporating the various requirements of the HALT Act within the systemic construct of the Commission's existing regulations will provide facility administrators with a more straightforward and organized source of reference. Consequently, the proposed rulemaking is immediately necessary to conform with the enactment of the HALT Act and to provide local governments with the rules necessary to comply with the legislation.

4. Costs:

a. Costs to regulated parties for the implementation of and continuing compliance with the rule: None. As set forth above, restrictions on the use of segregated confinement and the creation of alternative therapeutic and rehabilitative confinement options in local correctional facilities was required by recent legislation. Compliance with the proposed rule will not result in any additional costs to county and municipal agencies operating such jails.

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

None. The regulation does not apply to state agencies or governmental bodies. As set forth above in subdivision (a), there would not be any additional costs to local governments.

c. This statement detailing the projected costs of the rule is based upon the Commission's oversight and experience relative to the operation and function of adult jails.

5. Local government mandates:

The rulemaking mirrors recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities, effective March 31, 2022.

6. Paperwork:

Recent legislation already requires each local correctional facility to track, maintain and publish data with respect to incarcerated individuals placed in segregated confinement and residential rehabilitation units. The proposed rulemaking will, for purposes of compiling the Commission's annual statewide report, require that local correctional facilities forward such data to the Commission on an annual basis.

7. Duplication:

The rule conforms to recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities, effective March 31, 2022.

8. Alternatives:

Given the legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities, the Commission did not see any alternative to promulgating conforming regulations.

9. Federal standards:

There are no applicable minimum standards of the federal government.

10. Compliance schedule:

Each local jurisdiction is expected to be able to achieve compliance with the proposed rule effective March 31, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required pursuant to subdivision three of section 202-b of the State Administrative Procedure Act because

the rule does not impose an adverse economic impact on small businesses or local governments. The proposed rule seeks only to conform regulations to recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities. The proposed rule does not impose any new mandates on local facilities, just reiterates the reporting, recordkeeping and training requirements contained in the Correction Law as part of the HALT Act. Consequently, the rule will not have an adverse impact on small businesses or local governments, nor impose any additional significant reporting, record keeping, or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not required pursuant to subdivision four of section 202-bb of the State Administrative Procedure Act because the rule does not impose an adverse impact on rural areas. The proposed rule seeks only to conform regulations to recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities. Consequently, it will not impose an adverse economic impact on rural areas, nor impose any additional significant record keeping, reporting, or other compliance requirements on private or public entities in rural areas.

Job Impact Statement

A job impact statement is not required pursuant to subdivision two of section 201-a of the State Administrative Procedure Act because the rule will not have a substantial adverse impact on jobs and employment opportunities, as apparent from its nature and purpose. The proposed rule seeks only to conform regulations to recent legislation that restricts the use of segregated confinement and creates alternative therapeutic and rehabilitative confinement options in local correctional facilities. As such, there will be no impact on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

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

Sanitary Condition of Shellfish Lands

I.D. No. ENV-28-22-00010-EP

Filing No. 471

Filing Date: 2022-06-27

Effective Date: 2022-06-27

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

Proposed Action: Amendment of Part 41 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 11-0303, 13-0307 and 13-0319

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

Specific reasons underlying the finding of necessity: The promulgation of this regulation on an emergency basis is necessary to protect public health and general welfare. Shellfish are filter feeders that consume plankton, other minute organisms, and particulate matter found in the water column. Shellfish are capable of accumulating pathogenic bacteria, viruses, and toxic substances within their bodies. Several shellfish growing areas require reclassification as year-round uncertified and/or seasonally uncertified.

Recent evaluations of current water quality data indicate that the bacteriological standards for certain certified shellfish lands are not being met in the affected areas, and an increased risk of illness exists for shellfish distributors, restaurants, and consumers. Consequently, closures of shellfish lands that do not meet water quality standards are essential for the preservation of the public health.

These regulations also protect the shellfish industry. Commercial shell-

fish harvesters and seafood wholesalers, retailers, and restaurants are adversely affected by public reaction to instances of shellfish related illness. By prohibiting the harvest of shellfish from lands that fail to meet the sanitary criteria, these regulations can ensure that only wholesome shellfish are allowed to be sold to the shellfish consumer.

Technical changes are also needed to clarify descriptions for enforcement purposes, remove unnecessary ordinal indicators in the description of closure dates, reduce complexity, and improve readability of the regulations.

If the Department of Environmental Conservation does not adopt this rule making on an emergency basis, areas that do not meet bacteriological standards will remain open for harvest, and the consumption of potentially harmful shellfish is foreseeable.

Subject: Sanitary Condition of Shellfish Lands.

Purpose: To reclassify underwater shellfish lands to protect public health and general welfare.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/106687.html>): The Department proposes to amend 6 NYCRR Part 41 to reclassify as certified (open to shellfish harvest) either year-round or seasonally the following shellfish lands:

Oyster Bay Cove - 3 acres of Oyster Bay Cove will be upgraded from uncertified year-round to seasonally uncertified May 1 through October 31.

Oyster Bay Harbor and Oyster Bay Cove - 5 acres of Oyster Bay Cove and Oyster Bay Harbor will be upgraded from year-round uncertified and seasonally uncertified May 1 through October 31 to certified year-round.

Great South Bay - 12 acres of Great South Bay and Nicoll Bay will be upgraded from certified year-round to certified year-round.

Great South Bay - 9 acres of Great South Bay will be upgraded from seasonally uncertified May 1 through October 31 to certified year-round.

Patchogue Bay - Less than 1 acre of Great South Bay near Blue Point will be upgraded from uncertified year-round to seasonally uncertified May 1 through October 31.

Bellport Bay - Less than 1 acre of Bellport Bay near the Ho-Hum Beach Marina will be upgraded from seasonally uncertified May 1 through October 31 to certified year-round.

Flanders Bay - Less than 1 acre of Flanders Bay near Goose Creek will be upgraded from seasonally uncertified May 1 through October 31 to certified year-round.

Montauk Lake - 57 acres within the existing seasonally uncertified area of Southern Montauk Lake will have the seasonal closure dates shortened from April 1 through December 14 to May 1 through October 31.

Hog Creek - 2 acres of Hog Creek will be upgraded from seasonally uncertified May 1 through November 30 to certified year-round.

Hog Creek - Less than 1 acre of Hog Creek will be upgraded from uncertified year-round to seasonally uncertified May 1 through November 30.

Setauket Harbor - 1 acre of Setauket Harbor will be upgraded from uncertified year-round to seasonally uncertified May 1 through October 31.

The New York State Department of Environmental Conservation (Department) proposes to amend 6 NYCRR Part 41 to reclassify as uncertified (closed to shellfish harvest) either year-round or seasonally the following shellfish lands:

Oyster Bay Harbor - 2 acres of Oyster Bay Harbor will be downgraded from year-round certified and seasonally uncertified May 1 through October 31 to uncertified year-round.

Great South Bay - 650 acres of Great South Bay and Nicoll Bay will be downgraded from certified year-round to uncertified year-round.

Great South Bay - 20 acres of Great South Bay adjacent to Fire Island at Ocean Beach and Seaview will be downgraded from seasonally uncertified May 1 through October 31 to uncertified year-round.

Great South Bay - 233 acres of Great South Bay adjacent to Fire Island near Saltaire, Fair Harbor, Dunewood, Lonelyville, Atlantique, Ocean Beach, Seaview, Ocean Bay Park, and Point O' Woods will be downgraded from year-round certified to seasonally uncertified May 1 through October 31.

Patchogue Bay - 1,043 acres of Great South Bay and Patchogue Bay will have the existing seasonal closure dates extended from May 1 through September 30 to May 1 through October 31.

Patchogue Bay - 11 acres of Great South Bay and Patchogue Bay near the Bay Point Marina will be downgraded from certified year-round to seasonally uncertified May 1 through October 31.

Flanders Bay - 61 acres of Flanders Bay near Goose Creek and Birch Creek will be downgraded from certified year-round to seasonally uncertified from May 1 through October 31.

Genet Creek - 30 acres of Genet Creek in Shelter Island Sound will be downgraded from certified year-round to uncertified year-round.

Montauk Lake - 4 acres of Montauk Lake near Star Island will be downgraded from seasonally uncertified May 1 through November 30 to uncertified year-round.

Three Mile Harbor - 8 acres of Sunset Cove in Three Mile Harbor will be downgraded from certified year-round and seasonally uncertified May 15 through October 15 to seasonally uncertified from May 1 through November 30.

Three Mile Harbor - 3 acres within the existing seasonally uncertified area of Sunset Cove Marina will have the seasonal closure dates extended from May 15 through October 15 to May 1 through November 30.

Three Mile Harbor - Less than 1 acre of Three Mile Harbor will be downgraded from certified year-round to seasonally uncertified April 1 through November 30.

Three Mile Harbor - Less than 1 acre of Hands Creek will be downgraded from seasonally uncertified April 1 through November 30 to uncertified year-round.

Three Mile Harbor - 3 acres of Three Mile Harbor near Hands Creek will be downgraded from certified year-round to seasonally uncertified April 1 through November 30.

Hog Creek - 2.5 acres will be downgraded from certified year-round and seasonally uncertified May 15 through October 15 to seasonally uncertified May 1 through November 30.

Napeague Bay - 24 acres of Napeague Bay near Devon Yacht Club will be downgraded from certified year-round to seasonally uncertified from May 1 through November 30.

Accabonac Harbor - 17 acres of northern Accabonac Harbor will be downgraded from certified year-round to seasonally uncertified May 1 through November 30.

Accabonac Harbor - 10 acres of Accabonac Harbor near Merrill Lake Sanctuary will be downgraded from certified year-round to seasonally uncertified May 1 through November 30.

Menantic Creek - 2 acres of Menantic Creek will be downgraded from seasonally uncertified during May 15 through October 31 to seasonally uncertified May 1 through October 31 and the closure reference lines will be clarified for enforcement purposes.

Shelter Island Sound North - 18 acres of Sage Pond will be downgraded from seasonally uncertified during May 15 through October 31 to seasonally uncertified May 1 through October 31.

Shelter Island Sound North - 9 acres of Goldsmith's Boat Shop and the Peconic Bay Marine Basin will be downgraded from seasonally uncertified during May 15 through October 31 to seasonally uncertified May 1 through October 31 and the name of the Peconic Bay Marine Basin is being updated from Mill Creek Boat Basin.

Hashamomuck Pond (Mill Creek) - Less than 1 acre of Mill Creek will be downgraded from seasonally uncertified May 1 through November 30 to year-round uncertified.

Long Island Sound (Wading River Creek) - 495 acres of Long Island Sound will be downgraded from certified year-round to uncertified year-round expanding the existing 232 acre closure to 739 acres.

The Department also proposes technical changes to amend 6 NYCRR Part 41 to clarify descriptions for enforcement purposes, remove unnecessary ordinal indicators in the description of closure dates, reduce complexity, and improve readability of the regulations.

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 24, 2022.

Text of rule and any required statements and analyses may be obtained from: Kevin Ryan, Department of Environmental Conservation, 123 Kings Park Boulevard (Nissequogue River State Park), Kings Park, NY 11754, (631) 444-0461, email: Kevin.Ryan@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) § 11-0303 authorizes the New York State Department of Environmental Conservation (Department) to regulate the fish and wildlife of New York State. ECL § 13-0307 requires the Department to periodically conduct examinations of all shellfish lands within the marine district to ascertain the sanitary condition of these areas. The Department collects data to determine which shellfish lands are in

such sanitary condition that shellfish may be taken for food. Such lands are designated as certified shellfish lands. All other shellfish lands are designated as uncertified. ECL § 13-0319 grants the Department the authority to promulgate regulations concerning the harvest of shellfish.

2. Legislative objectives:

The purposes of the above cited legislations are: (1) to ensure that shellfish lands are appropriately classified, and (2) to protect public health by preventing the harvest and consumption of shellfish from lands that do not meet minimum standards for certification. Prior to proposing this rule, Department staff examined shellfish lands and determined which shellfish lands met the sanitary criteria for a certified shellfish land. The criteria for certification of shellfish lands is based on standards designed to ensure harvested shellfish will not be dangerous if consumed by humans.

3. Needs and benefits:

This rule making is necessary to preserve the public health and the general welfare, and it is further necessary to comply with ECL § 13-0307. The proposed amendments reflect the findings of surveys conducted by Department staff for shellfish growing areas (SGAs) in the marine district. These surveys are the result of the regular collection and bacteriological examination of water samples to monitor the sanitary condition of SGAs.

Shellfish are filter feeders that consume plankton, other minute organisms, and particulate matter found in the water column. Shellfish are capable of accumulating pathogenic bacteria, viruses, and toxic substances within their bodies. Several shellfish growing areas require reclassification as year-round uncertified and/or seasonally uncertified.

Recent evaluations of current water quality data indicate that the bacteriological standards for certain certified shellfish lands are not being met in the affected areas, and an increased risk of illness exists for shellfish distributors, restaurants, and consumers. Consequently, closing shellfish lands that do not meet water quality standards is essential for the preservation of public health.

These regulations also protect the shellfish industry. Commercial shellfish harvesters and seafood wholesalers, retailers, and restaurants are adversely affected by public reaction to instances of shellfish related illness. By prohibiting the harvest of shellfish from lands that fail to meet the sanitary criteria, these regulations can ensure that only wholesome shellfish are allowed to be sold to the shellfish consumer.

Additionally, these regulations include changes to the shellfish growing area descriptions that will update, clarify, and correct them to match the current physical appearance and names of local landmarks cited in the descriptions. These changes will aid harvesters and law enforcement officials in determining which areas are uncertified for the harvest of shellfish.

4. Costs:

There will be no costs to state or local governments. There will be no cost to the Department. Administration and enforcement of the proposed amendment would be covered by existing programs.

No direct costs will be incurred by regulated commercial shellfish harvesters in the form of initial capital investment or initial non-capital expenses, in order to comply with these proposed regulations. The Department cannot provide an estimate of potential change in income to shellfish harvesters when areas are classified as uncertified, due to a number of variables that are associated with commercial shellfish harvesting; nor can the potential benefits be estimated when areas are reopened.

In 2021, there were 1,382 licensed shellfish diggers in New York State. The actual number of those individuals who harvest shellfish commercially fulltime is not known. Recreational harvesters who wish to harvest more than the daily recreational limit of 100 hard clams, with no intent to sell their catch, can only do so by purchasing a New York State digger's permit. The number of individuals who hold shellfish digger's permits for that type of recreational harvest is unknown. The Department's records do not differentiate between fulltime and parttime commercial or recreational shellfish harvesters.

The number of harvesters in a particular area is dependent upon the season, the amount of shellfish resource in the area, the price of shellfish and other economic factors, unrelated to the Department's proposed regulatory action. When a particular area is classified as uncertified, harvesters can shift their efforts to other certified areas.

5. Local government mandates:

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

6. Paperwork:

None.

7. Duplication:

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

8. Alternatives:

There are no acceptable alternatives. ECL § 13-0307 mandates that when the Department has determined that a shellfish land meets the sanitary criteria for certified shellfish lands, the Department must designate the land as certified and open to shellfish harvesting. All other shell-

fish lands must be designated as uncertified and closed to shellfish harvesting. These actions are necessary to protect public health. Furthermore, failure to comply with the National Shellfish Sanitation Program (NSSP) guidelines could result in a ban on New York State shellfish in interstate commerce and would cause unnecessary economic hardship to the commercial harvesting industry.

9. Federal standards:

There are no federal standards regarding the certification of shellfish lands. New York and other shellfish producing and shipping states participate in the NSSP which provides guidelines intended to promote uniformity in shellfish sanitation standards among members. The NSSP is a cooperative program consisting of the federal government, states, and the shellfish industry. Participation in the NSSP is voluntary, but participating states agree to follow NSSP water quality standards. Each state adopts its own regulations to implement a shellfish sanitation program consistent with the NSSP. The U.S. Food and Drug Administration (FDA) evaluates state programs and standards relative to NSSP guidelines. Substantial non-conformity with NSSP guidelines can result in sanctions being taken by the FDA, including removal of the state's shellfish shippers from the Interstate Certified Shellfish Shippers List. This effectively bars a state's shellfish products from interstate commerce.

10. Compliance schedule:

Compliance with any new regulations designating areas as certified or uncertified does not require additional capital expense, paperwork, record keeping or any action by the regulated parties. Immediate compliance with any regulation designating shellfish lands as uncertified is necessary to protect public health. Shellfish harvesters are notified of changes in the classification of shellfish lands by mail either prior to, or concurrent with, the adoption of new regulations.

Regulatory Flexibility Analysis

1. Effect of rule:

In 2021, there were 1,382 licensed shellfish diggers in New York State. The numbers of permits issued for areas in the State for 2021 are as follows: Town of Babylon, 40; Town of Brookhaven, 253; Town of East Hampton, 206; Town of Hempstead, 105; Town of Huntington, 100; Town of Islip, 106; Town of North Hempstead, 5; Town of Oyster Bay, 75; Town of Riverhead, 55; Town of Shelter Island, 32; Town of Smithtown, 27; Town of Southampton, 146; Town of Southold, 182; New York City, 30; and Other, 20.

The Department of Environmental Conservation (Department) periodically conducts examinations of all shellfish lands within the marine district to ascertain the sanitary condition of these areas. As a result of these examinations, the Department designates lands as certified or uncertified for the harvest of shellfish. Any change in the designation of shellfish lands may affect shellfish diggers. Each time shellfish lands, or portions of shellfish lands, are designated as uncertified, there may be some loss of income for shellfish diggers who are harvesting shellfish from the lands to be closed. This loss may be determined by the acreage to be closed, the type of closure (whether year-round or seasonal), the species of shellfish present in the area, the area's productivity, and the market value of the shellfish resource in the particular area.

When uncertified shellfish lands are found to meet the Department's sanitary criteria and are designated by the Department as certified, there is a benefit to shellfish diggers. More shellfish lands are made available for the harvest of shellfish, and there is a potential for an increase in income for shellfish diggers. The effect of the re-opening of a harvesting area is determined by the shellfish species present, the area's productivity, and the market value of the shellfish resource in the area.

The proposed rule includes changes to the shellfish growing area descriptions that update, clarify, and correct them to match the current physical appearance and names of local landmarks cited in the descriptions, reduce complexity, and improve readability of the regulations. These changes will aid harvesters and law enforcement officials in determining which areas are uncertified for the harvest of shellfish.

Local governments on Long Island exercise management authority and share law enforcement responsibility for shellfish with the State and the counties of Nassau and Suffolk. These include the towns of Hempstead, North Hempstead, and Oyster Bay in Nassau County, and the towns of Babylon, Islip, Brookhaven, Southampton, East Hampton, Southold, Shelter Island, Riverhead, Smithtown, and Huntington in Suffolk County. Changes in the classification of shellfish lands impose no additional requirements on local governments above the level of management and enforcement that they currently perform; therefore, the Department expects that there will be no effect on local governments.

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 of local governments.

5. Economic and technological feasibility:

There are no reporting, recordkeeping, or affirmative actions that small businesses or local governments must undertake to comply with the proposed rule. Similarly, small businesses and local governments would not have to retain any professional services or incur any capital costs to comply with the proposed rule. As a result, it should be economically and technically feasible for small businesses and local governments to comply with this regulation.

6. Minimizing adverse impact:

No adverse impacts on local governments are anticipated from the proposed rule. The designation of shellfish lands as uncertified may have an adverse impact on commercial shellfish diggers. All diggers in the towns affected by proposed closures will be notified by mail of the designation of shellfish lands as uncertified prior to, or concurrent with the date the closures go into effect. Shellfish lands which fail to meet the sanitary criteria during specific months of the year would be designated as uncertified only during those months. To minimize any adverse effects of proposed closures, towns may request that uncertified shellfish lands be considered for conditionally certified designation or for a shellfish transplant project.

7. Small business and local government participation:

Impending shellfish closures are discussed at regularly scheduled Shellfish Advisory Committee meetings. This committee, organized by the Department, is comprised of representatives of local baymen's associations, shellfish shippers, and local town officials. Through their representatives, shellfish harvesters and shippers can express their opinions and give recommendations to the Department concerning shellfish land classification. Local governments, state legislators, and baymen's organizations are notified by mail and given the opportunity to comment on any proposed rulemaking.

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

None.

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

The rule will be reviewed in three years.

Rural Area Flexibility Analysis

The Department of Environmental Conservation (Department) has determined that this rule will not impose an adverse impact on rural areas. This rulemaking only affects the marine and coastal district of the State; there are no rural areas within the marine and coastal district. The shellfish fishery is entirely located within the marine and coastal district and is not located adjacent to any rural areas of the State. The proposed rule will not impose any reporting, record keeping, or other compliance requirements on public or private entities in rural areas. Since no rural areas will be affected by the proposed amendments of 6 NYCRR Part 41, the Department has determined that a Rural Area Flexibility Analysis is not required.

Job Impact Statement

1. Nature of impact:

The proposed rule has the potential for both positive and negative impacts on jobs related to shellfish harvesting. Typically, amendments that reclassify areas as certified increase job opportunities, while amendments to reclassify areas as uncertified limit harvesting opportunities. The extent of any impact would be determined by the acreage closed, the type of closure (year-round or seasonal), the area's productivity, and the market value of the shellfish.

In general, any negative impacts resulting from the closures in this rulemaking are likely small because the Department's actions to designate areas as uncertified only affect a small portion of the shellfish lands in the state. Negative impacts are also diminished in many instances by shellfish harvesters redirecting their efforts to adjacent certified areas.

In contrast, designating an area as certified can have positive impacts on harvesting opportunities. New certified areas can result in financial benefits for commercial fisherman and increased opportunities for recreational shellfish harvesters. Increasing the amount of certified shellfish harvesting areas can provide a financial benefit due to the increased availability of shellfish resources.

2. Categories and numbers affected:

The proposed rule would impact licensed commercial shellfish diggers. Most harvesters are self-employed, but there are some who work for companies with privately controlled shellfish lands or who harvest surf clams or ocean quahogs in the Atlantic Ocean.

In 2021, there were 1,382 licensed shellfish diggers in New York State. The numbers of permits issued for areas in the State for 2021 are as follows: Town of Babylon, 40; Town of Brookhaven, 253; Town of East Hampton, 206; Town of Hempstead, 105; Town of Huntington, 100; Town

of Islip, 106; Town of North Hempstead, 5; Town of Oyster Bay, 75; Town of Riverhead, 55; Town of Shelter Island, 32; Town of Smithtown, 27; Town of Southampton, 146; Town of Southold, 182; New York City, 30; and Other, 20. The Department's records do not differentiate between fulltime and parttime commercial or recreational shellfish harvesters.

3. Regions of adverse impact:

Any impact from the proposed rule would be limited to areas within or adjacent to Nassau and Suffolk Counties.

4. Minimizing adverse impact:

Shellfish lands are designated as uncertified to protect public health as required by the ECL. Some impact from the proposed rule stemming from closing areas which do not meet the criteria for certification are unavoidable.

To minimize the impact of closures of shellfish lands, the Department evaluates areas to determine whether they can be opened seasonally during periods of improved water quality. The Department also operates conditional harvesting programs at the request of, and in cooperation with, local governments. Conditional harvesting programs allow harvest in uncertified areas under prescribed conditions, determined by studies, when bacteriological water quality is acceptable. Additionally, the Department operates shellfish transplant harvesting programs which allow removal of shellfish from closed areas for bacterial cleansing in certified areas. Conditional harvesting and shellfish transplant programs increase harvesting opportunities by making shellfish resources in a closed area available under controlled conditions.

5. Self-employment opportunities:

A large majority of shellfish harvesters in New York State are self-employed. Rulemakings to change the classification of shellfish lands can have an impact on self-employment opportunities. The impact is dependent on the size and productivity of the affected area and the availability of adjacent lands for shellfish harvesting.

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

The rule will be reviewed in three years.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Forest Tax Law

I.D. No. ENV-28-22-00011-P

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

Proposed Action: Amendment of Part 199 of Title 6 NYCRR.

Statutory authority: Real Property Tax Law, section 480-a

Subject: Forest Tax Law.

Purpose: Improving and sustainably managing New York's forest resources and lessening the administrative burden on participants/DEC staff.

Public hearing(s) will be held at: 1:00 p.m. and 6:00 p.m. on Sept. 13, 2022, via electronic webinar.

Instructions on how to "join" the hearing webinar and provide an oral statement will be published on the Department's proposed regulations webpage for 6 NYCRR Part 199 by July 13, 2022. The proposed regulations webpage for 6 NYCRR Part 199 may be accessed at: <https://www.dec.ny.gov/regulations/propregulations.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 199 public comment period.

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 23, 2022. The written request must be addressed to ALJ Richard Sherman, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or e-mailed to ALJ Sherman at ohms@dec.ny.gov

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

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

Substance of proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html>): 6 NYCRR Part 199 will be amended as follows:

Amend section 199.1(o) by defining the term "forester" to mean an individual who has earned an associate's or higher degree in a program recognized by the Society of American Foresters, or who possesses qualifications for the practice of forestry essentially equivalent to those possessed by a graduate of a school of forestry in a degree program recognized by the Society of American Foresters. The existing regulations refer only to graduation from a "school of forestry;" the amendment thus clarifies the minimum level of education required.

Amend section 199.1(p) by clarifying that the requirement for forest land to contain at least 500 stems per acre or 60 square feet of basal area shall apply at the time of initial enrollment in the program only. The current regulations are ambiguous and could be interpreted to prohibit even-aged management systems, which may by necessity temporarily reduce stands to less than 500 stems or 60 square feet per acre.

Amend section 199.1(q) by removing the redundant requirement that individual stand prescriptions be provided pursuant to section 199.6(b).

Add new section 199.1(r) to define the term "high-grading" as the removal of the most commercially valuable trees (by reason of size, quality or species) at the expense of future growth or future financial return, often leaving a residual stand composed of trees of poor condition or species composition. It is necessary to define the practice in order to prohibit it in a later provision of the regulations.

Re-number section 199.1(r) as section 199.1(s).

Re-number section 199.1(s) as 199.1(t) and amend it by: clarifying that the owner of an enrolled property has the discretion to designate the merchantable forest crop for production in the period covered by the management plan; clarifying the language defining such products, and; specifying that other tangible wood products, maple sap, and carbon credits are not considered merchantable forest crops for the purposes of Part 199. The intent of the statute is clearly to encourage the production of tangible goods. Participating landowners may still participate in carbon markets as long as doing so does not conflict with the purposes of the program.

Re-number sections 199.1(t), 199.1(u), 199.1(v) and 199.1(w) to sections 199.1(u), 199.1(v), 199.1(w) and 199.1(x), respectively.

Re-number section 199.1(x) to section 199.1(y) and amend it by: clarifying that a stand must be at least one contiguous acre in size and at least 120 feet in any two dimensions, and; clarifying that hedgerows, shelterbelts, wind breaks, and other non-forest tree assemblages shall not be considered stands. This clarification eliminates an unintended loophole in the regulations, which allowed the inclusion of areas that contain trees but do not function as forests.

Re-number sections 199.1(y), 199.1(z) and 199.1(aa) to sections 199.1(z), 199.1(aa) and 199.1(ab), respectively.

Amend section 199.5(b) by: reducing the number of copies of the management plan required to be submitted from two to one, and; adding a requirement that completed applications must include a signed attestation certifying that the owner has reviewed the requirements of the program with the regional forester or their designee and has had the opportunity to ask questions and request clarification of said requirements. This amendment is intended to improve compliance by ensuring enrolled landowners are fully informed of the obligations they are agreeing to.

Amend section 199.5(c) by: clarifying that the owner must mark the property boundary lines defining the committed acreage and lines designating eligible noncommitted acreage of eligible tracts submitted for certification, and; deleting language allowing fences, stone walls, posters, and other constructed or natural features to be used as boundary line marking. The boundaries between eligible and ineligible acreage is generally recognizable and thus does not need to be marked by the owner; existing regulations are ambiguous and could be interpreted to unnecessarily require these lines to be marked. Fences, stone walls and other objects that are not placed as part of a property survey are not reliable indicators of actual property line location.

Amend section 199.5(e) by: setting September 1 as the deadline for submission of applications; changing the amount of time allowed for the department to approve or reject applications from 60 day to 90 days, and; clarifying the time frame within which the landowner has the opportunity to remedy deficiencies for which an application is rejected.

Amend section 199.5(f) by: specifying that all certificates of approval issued by the department shall include the approved work schedule found in the approved management plan and shall also be incorporated into and become part of the approved management plan. Current regulations do not provide the department a means of ensuring that a prescription is followed as approved. Because the statute and regulations require the owner to follow the approved management plan, making an approved prescription part of the management plan in effect requires that the approved prescription be followed as written.

Move the requirement for lands from which a merchantable forest crop has been cut or removed within three years prior to the time of application from section 199.6(a)(9) to section 199.5(g).

Amend section 199.6(a) by: deleting the list of elements required to be included in an approved management plan and replacing it with a requirement that approved management plans be written using a template provided by the department, which will include all the necessary plan elements, and; changing the length of the required work schedule from 15 years to 20 years.

Amend section 199.6(b) by: adding the requirement that any cutting prescriptions submitted to and approved by the department pursuant to section 199.7(b) of this Part shall be incorporated into and become part of the approved management plan and; moving the requirements for submitting cutting prescriptions to section 199.7(b).

Amend section 199.6(c) by: clarifying that for the purposes of the forest tax law program, high-grading is not an acceptable management system and; deleting the duplicative requirement that noncommercial cuttings scheduled for an eligible tract be completed during the year in which they are scheduled. (The requirement is also found in section 199.8(c) of this Part).

Amend section 199.6(d) by clarifying that grazing or otherwise integrating domestic animals in forest management systems is allowable on all committed acres, if it is listed as a treatment in an approved prescription. Existing regulations prohibit grazing on committed acres. Allowing this practice as part of an approved prescription increases options for landowners to control competing vegetation and engage in compatible agroforestry activities.

Amend section 199.7(b)(1) by adding the requirement that any notice of commercial harvest cutting must list all stands to be harvested and include a cutting prescription prepared by a forester for each stand to be treated in said harvest.

Amend section 199.7(b)(2) by: clarifying the department shall affirmatively approve or reject cutting prescriptions; specifying that certification of stumpage value is to take place upon approval of such prescription, and; specifying that cutting prescriptions submitted to and approved by the department shall be incorporated into and become part of the approved management plan.

Amend section 199.8 by: adding new subdivision (e), requiring updated work schedules to include treatments to establish regeneration in stands that have undergone a natural or human disturbance; allowing landowners to withdraw stands from commitment without penalty if the landowner has complied with the approved management plan but has failed to establish sufficient regeneration of commercial species and; specifying that failure to implement the approved management plan regarding treatments intended to establish forest regeneration shall result in revocation pursuant to section 199.10(c) of this Part.

Amend section 199.9 by: clarifying that in addition to being extended or amended by filing a written request with the department, an approved management plan may also be updated by the same procedure and; extending the amount of time in which the department will determine the acceptability of the proposed change and inform the owner of its determination from 10 day to 30 days of receipt of the request.

Amend section 199.9(b) by: extending the period between required management plan updates from five years to ten years.

Add new section 199.9(c) to require owners of enrolled properties to submit a narrative update of material changes to such properties on or before December 31 of the fifth calendar year during which the properties are enrolled, using forms supplied by the department. This amendment, combined with the amendment to section 199.9(b) reduces the amount of paperwork required of participating landowners.

Amend section 199.10(f) to clarify that enrolled parcels may be revoked without penalty if it is determined that the parcel is not eligible and was enrolled in error. Existing regulations are silent on the treatment of parcels enrolled in error. While existing case law supports the authority of agencies to correct administrative errors, adding language to these regulations will affirmatively allow the department to correct errors that are not the fault of participating landowners.

Add new section 199.10(g) to clarify that no penalty shall be assessed to the owner if an acreage correction results in the reduction of eligible acres. This amendment is intended to protect landowners from penalties that could arise from circumstances that are not their fault, such as improvements to technology or mapping errors.

Add new section 199.12 which will: require persons preparing management plans, management plan amendments or cutting prescriptions for approval to participate in department-approved training for the preparation of management plans and cutting prescriptions; require such persons to meet with a department forester prior to submitting additional plans or prescriptions if the preparer has had more than three management plans or cutting prescriptions rejected by the department in a period of twelve consecutive months; stipulate that the department shall reject any plan or prescription submitted by a person who has had more than three management plans or cutting prescriptions rejected by the department in a period of 12 consecutive months and has not met with a department forester to discuss

such rejections, and; stipulate that if any person has had more than nine management plans or cutting prescriptions rejected by the department in a period of 48 consecutive months, the department shall reject any plan submitted by such person for a period of one year, and until such person shall meet with a department forester to discuss such rejections. This amendment is intended to ensure a base level of knowledge about the program on the part of foresters serving participating landowners, and to discourage foresters from repeatedly submitting incomplete and sub-standard documents.

Text of proposed rule and any required statements and analyses may be obtained from: Jason Drobnack, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-9428, email: jason.drobnack@dec.ny.gov

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

Public comment will be received until: September 19, 2022.

Additional matter required by statute: A Short Environmental Assessment Form has been completed in compliance with Article 8 of the Environmental Conservation Law.

Regulatory Impact Statement

1. Statutory Authority

Real Property Tax Law ("RPTL") § 480-a related to taxation of forest land authorizes the Department of Environmental Conservation to, after public hearings, adopt and promulgate rules and regulations necessary to implement the provisions of RPTL § 480-a.

2. Legislative Objectives

RPTL 480-a and the implementing regulations, 6 NYCRR Part 199 ("Part 199") were initially adopted in 1976 for the purpose of providing tax relief to qualifying landowners to encourage long-term private ownership of woodlands to produce forest crops and thereby increase the likelihood of a stable forest economy. The Part 199 regulations established to implement RPTL 480-a have not been significantly changed or updated since they were originally adopted 45 years ago. The proposed amendments to Part 199 are intended to improve and sustainably manage New York's forest resources and lessen the administrative burden placed on participating landowners and Department staff. Specifically, the primary objective of this amendment is to respond to public feedback by improving the efficiency and effectiveness of the program.

3. Needs and Benefits

Over the years, many 480-a program participants have expressed dissatisfaction and frustration with the current law and regulations. Chief among these complaints are the rigid annualized work schedule and the costs associated with following program requirements. Similarly, other eligible forest owners have indicated their reluctance to enroll because of the burdensome requirements imposed by the current regulations. These concerns have limited the program's reach and effectiveness as a tool to promote and support forest retention and sustainable management of forests. After over 45 years of existence, only about 12-15% of all eligible properties are currently enrolled in the 480-a program.

The revised regulations are intended to provide efficiencies which will allow staff to improve the administration of the current program. The proposed amendments are intended to address these concerns by:

Amending subdivision 199.5(b) to require a signed attestation certifying that the owner has reviewed the requirements of the program with a Department forester. This will keep the landowner informed of program requirements and reduce compliance issues.

Amending subdivision 199.5(e) to set a new application and update deadline of September 1st, preceding the first eligible taxable status date for enrollment. The review period will also increase from 60 to 90 days. This will allow staff to inspect properties during the field season to give sufficient time for a thorough review prior to enrollment and will allow the landowner and consulting forester more time to correct errors found on the property or in the management plan before the taxable status date.

Amending subdivision 199.6(a) to extend the term of the forest management plan from one 15 year work schedule to 20 years broken into two ten year work periods will allow landowners a longer period to complete required work as opposed to an annualized work schedule. This flexibility will achieve efficiencies by reducing the frequency of management plan amendments.

Amending subdivision 199.9(b) to extend the required management plan update from five to ten years will eliminate unnecessary data collection and provide efficiencies for participating landowners. Additionally, subdivision 199.9(c) now requires landowners to provide a narrative update of material changes to the enrolled parcel every five years which will keep Department staff informed of substantive changes on the property, without requiring unnecessary field data collection.

RPTL 480-a is intended, in part, to incentivize enrollees to continuously produce a merchantable forest crop consistent with environmentally and economically sound silvicultural practices. The current regulations do not adequately ensure that enrollees will provide for adequate regeneration,

nor do they ban the practice of high grading. The proposed amendment is intended to ensure forest sustainability within the program by:

Amending § 199.1 by adding subdivision 199.1(r) to define high grading as the removal of the most commercially valuable trees (by reason of size, quality or species) at the expense of future growth or financial return, often leaving a residual stand composed of trees of poor condition or species composition. Proposed language to subdivision 199.6(c) now states that high grading is not an acceptable silvicultural practice the owner can select. This explicitly makes it clear that unsustainable forestry practices or prescriptions will not be accepted under Forest Tax Law and is grounds for revocation from the program.

Amending subdivision 199.6(b) so that any cutting prescriptions submitted to and approved by the Department pursuant to subdivision 199.7(b) shall be incorporated into and become part of the approved management plan. Deviation from the approved prescription is therefore a deviation from the approved plan.

Amending subdivision 199.6(d) to allow grazing by domestic animals for the purposes of treating interfering vegetation under an approved prescription. This allows landowners to incorporate new methods of interfering vegetation control to help secure forest regeneration on their property using domestic animals, if the owner incorporates the practice into the approved forest management plan.

Amending subdivision 199.8(e) so that at the time of amending the management plan as required in subdivision 199.9(b), the work schedule shall be amended to include treatments to establish regeneration in stands that have undergone a natural or human disturbance, if the stand is not reoccupied with enough regeneration of commercial species to ensure future production of merchantable forest crops. This proposed provision establishes a requirement of the enrollee to attempt to regenerate stands by using accepted forestry methods within a reasonable, scientific time frame (ten years) with a provision to remedy a failure. A penalty would only be appropriate if an owner refuses to attempt to regenerate a stand as stated in the approved management plan.

Adding a new subdivision 199.10(g) to clarify the Department can remove committed acres due to re-measurement without penalty.

Adding a new § 199.12 to establish a management plan and cutting prescription preparers training requirement. Landowners are for the most part, exclusively reliant on the advice and skill of a consultant forester to comply with many of the forestry provisions of the Forest Tax Law. The Department is proposing to create a training requirement for consulting foresters working under Forest Tax Law on the behalf of the landowner. This training along with other proposed regulations and handbook changes set requirements on how management plans and prescriptions should be written under Forest Tax Law.

Additionally, the proposed amendment revises subdivision 199.6(a) to require forest management plans use a template approved by the Department. This approved template will provide clear guidance to consulting foresters on what is an acceptable plan and allow staff to review plans more efficiently and accurately.

A robust outreach effort was developed and implemented throughout 2018 and 2019 to gather stakeholder input on how to improve the Forest Tax Law program through regulatory reform. In the fall of 2018, program staff gathered suggestions from Department field staff as well as attendees of the annual New York Society of American Foresters (NYSAF) meeting in January of 2019. Eleven public meetings (ten in person meetings and one webinar) were held throughout the winter and spring throughout the state. These stakeholder meetings were well attended by enrolled and non-enrolled landowners, consulting foresters, Department program and regional staff as well as municipal officials. Staff presented ideas for reform that had been received from the July 2019 meeting, regional staff visits, and program discussions. Comments were taken at each meeting and incorporated into subsequent presentations. Additional comments were received via email, letter and by phone and are currently posted on the Department's Division of Lands and Forests Private Land Services website. At the NYSAF annual meeting in January 2020 staff received additional comments on recommended regulatory changes. There will be an opportunity for the public to officially comment on the proposed regulations during a 60-day public comment period when the regulation appears in the New York State Register as a proposed rulemaking.

4. Costs:

The proposed revisions to Part 199 pursuant to the provisions of subdivision 199.8(e) may increase costs to participating landowners by requiring them to secure forest regeneration through deer control strategies or competing vegetation control for some certified acres to remain enrolled. However, such costs are offset by the long-term tax savings from enrollment in the program. The proposed amendments are intended to improve forestry outcomes and to lessen the administrative burden on current enrollees and the Department.

5. Local government mandates:

Real Property Tax Law 480-a provides tax relief to qualifying landown-

ers in exchange for implementation of sustainable forest management. The proposed amendments to Part 199 change what is required of enrolled landowners; they do not impose any new or additional burdens on county clerks or local government officials.

6. Paperwork:

The proposed regulatory revisions will reduce paperwork requirements for Forest Tax Law program applicants and participants by extending the period between mandatory management plan updates from every five years to every ten years. A shorter narrative check-in at five years will replace the requirement for a full five year update.

7. Duplication:

The proposed regulatory revisions do not duplicate any existing state or federal regulation.

8. Alternatives:

The no action alternative is not feasible since leaving the existing regulation as is would not reflect the need to update the regulations to provide efficiencies for both the regulated community and the Department. One alternative to the proposed revisions would be a legislative amendment to allow comprehensive revisions to RPTL 480-a. This would allow for other regulatory amendments such as: lowering the minimum acreage requirement, revising the penalty structure, or requiring the landowner to be the primary manager for enrolled forest acreage for timber. These amendments would make the Forest Tax Law more attractive to landowners and thus increase enrollment, make the program more efficient and increase program benefits, however without legislative authorization the Department cannot make these amendments. The Department tried the legislative approach, but the proposal was not approved.

A public meeting suggestion requiring landowners to take a course to learn program requirements before enrollment was not adopted and deemed overburdensome for enrollees. Other public meeting suggestions included developing a mapping standard and technical forestry and management plan details which did not require regulatory amendments to remedy.

9. Federal standards:

There are no applicable federal standards.

10. Compliance schedule:

It is anticipated that enrollees and new applicants will be able to comply with the amendments prior to the effective date of March 1, 2023 for the 2024 tax roll year.

Regulatory Flexibility Analysis

The proposed amendments to 6 NYCRR Part 199 will address improving and sustainably managing New York's forest resources and lessening the administrative burden placed on participants and Department staff. Real Property Tax Law 480-a provides tax relief to qualifying landowners in exchange for implementation of a sustainable forest management. The proposed amendments to Part 199 change what is required of enrolled landowners; they do not impose any new or additional burdens on county clerks or local government officials.

As a result, a Regulatory Flexibility Analysis for small businesses and local governments is not submitted with these regulations because the proposal will not impose any adverse economic impact or reporting, record-keeping, or other compliance requirements on small businesses or local governments beyond those already required by Real Property Tax Law 480-a.

Rural Area Flexibility Analysis

The proposed amendments to 6 NYCRR Part 199 will address improving and sustainably managing New York's forest resources and lessening the administrative burden placed on participants and Department staff. The proposed amendments are intended to improve forestry outcomes and to lessen the administrative burden on current enrollees and the Department.

As a result, a Rural Area Flexibility Analysis is not submitted with these regulations because the proposal will not impose any additional reporting, record-keeping or other compliance requirements on rural areas.

Job Impact Statement

The proposed amendments to 6 NYCRR Part 199 will address improving and sustainably managing New York's forest resources and lessening the administrative burden placed on participants and Department staff. The proposed amendments are intended to improve forestry outcomes and to lessen the administrative burden on current enrollees and the Department.

As a result, a Job Impact Statement is not required and is not submitted because the proposal will have no substantial adverse impact on existing or future jobs and employment opportunities.

Department of Financial Services

EMERGENCY RULE MAKING

Indices Which May be Used for Variable Rate Loans Subject to the Requirements of Parts 33, 80, 90, 91 and 97

I.D. No. DFS-28-22-00008-E

Filing No. 470

Filing Date: 2022-06-24

Effective Date: 2022-06-24

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

Action taken: Amendment of Parts 333 and 334 of Title 3 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Banking Law, sections 10, 14, 108.4, 108.5, 202, 235.8-b, 351.2, 590-a.3; Personal Property Law, sections 303, 404 and 413

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

Specific reasons underlying the finding of necessity: Pursuant to the Banking Law and Personal Property Law, the Department of Financial Services is required to approve indices that can be used as benchmarks to set interest rates for certain variable interest rate loans. The approved indices are specified in Parts 333 and 334 of Title 3 of the NYCRR. The London Inter-Bank Offered Rate ("LIBOR") is a major benchmark index commonly used by the industry and both Parts 333 and 334 have listed one month, three-month, six-month, and one year LIBOR as approved benchmark rates.

After several articles were published speculating that LIBOR was being manipulated by the banks that calculated the rate, a number of civil and criminal investigations were opened into the potential manipulation. The investigations confirmed the manipulation and substantial penalties were imposed on the banks that participated in this scheme.

With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. One week and two-month dollar denominated LIBOR rates expired at the end of 2021. All other dollar denominated LIBOR rates are set to expire in June 2023.

Further, the Federal Reserve Board of Governors, Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency jointly stated that, given the risks of using an index that has, or will be discontinued, the agencies believe that "entering into new contracts that use USD LIBOR as a reference rate after December 31, 2021, would create safety and soundness risks and will examine bank practices accordingly." Accordingly, any institution that is jointly regulated by the Department and a federal agency that adopts the position outlined in the joint statement should already be using a new benchmark as of January 1, 2022, or risk being found to be operating in an unsafe and unsound manner.

The emergency adoption of this regulation is necessary to authorize the use of other benchmark indices and to enable institutions to use the Secured Overnight Financing Rate as a replacement benchmark rate.

Subject: Indices which may be used for variable rate loans subject to the requirements of Parts 33, 80, 90, 91 and 97.

Purpose: To approve the use of the Secured Overnight Financing Rate ("SOFR") as a benchmark for certain variable interest rate loans. The London Inter-Bank Offered Rate ("LIBOR") index is being phased out. SOFR is expected to be the main alternative benchmark used by financial institutions in the United States. SOFR has also been approved by federal banking regulators as an alternative to LIBOR.

Text of emergency rule: Section 333.1 is amended to add a new subdivision (i) to read as follows:

(i) *the indices for one-month, three-month, and six month Secured Overnight Financing Rate (SOFR) as published by the Federal Reserve Bank of New York.*

Section 334.1 is amended to read as follows:

The following indices are approved by the superintendent for use in connection with variable rate junior mortgage loans made pursuant to Part 80 of this Title by licensees as defined thereunder, in connection with variable rate retail installment credit agreements established pursuant to Part 91 of this Title by retail sellers or creditors as defined thereunder, and in connection with variable rate closed-end retail installment contracts and obligations entered into pursuant to Part 92 of this Title by retail sellers or holders as defined thereunder:

- (a) the bank prime loan index;
- (b) the indices for one-month, three-month or six-month certificates of deposit sold in the secondary market;
- (c) the indices for the auction averages from the sale of United States three-month, six-month or one-year Treasury bills;
- (d) the indices for three-month, six-month or one-year Treasury bills sold in the secondary market;
- (e) the indices for the one-year, two-year, three-year, five-year, seven-year, ten-year, twenty- year or thirty-year constant maturity yield for United States Treasury securities; [and]
- (f) the prime rate as published in The Wall Street Journal[.];
- (g) the indices for one-month, three-month, six-month and one year London Interbank Offered Rate (LIBOR) as published in The Wall Street Journal[.]; and
- (h) *the indices for one-month, three-month, and six month Secured Overnight Financing Rate (SOFR) as published by the Federal Reserve Bank of New York.*

All the indices listed above, except (f), [and] (g) and (h) are published and announced by the Board of Governors of the Federal Reserve System in such publications as The Federal Reserve Bulletin, H.15, G.13, etc. With respect to any indices listed under subdivisions (a) through (e) of this section which provide daily rates and also weekly and monthly averages of such daily rates, this Part allows use of either the daily rate or the weekly or monthly average rate for such index. In the event of split rate figures for the prime rate as published under subdivision (f) of this section, the licensee, retail seller or creditor, or retail seller or holder shall use the low figure except where use of the high figure or an average of the two figures is provided by contract and disclosed to the borrower or buyer. Except as provided above, averaging of index figures is prohibited.

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 21, 2022.

Text of rule and any required statements and analyses may be obtained from: George Bogdan, Department of Financial Services, One State Street, New York, NY 10004-1417, (212) 480-4758, email: george.bogdan@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Financial Services Law Sections 202 and 302; Banking Law Sections 10, 14, 108.4, 108.5, 202, 235.8-b, 351.2, and 590-a.3; and Personal Property Law Sections 303, 404, and 413.

Financial Services Law ("FSL") Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent") and provides the Superintendent with broad rights, powers, duties and discretion with respect to matters under the Financial Services Law, the Banking Law, and the Insurance Law. FSL Section 302 sets forth the power of the Superintendent to prescribe, withdraw or amend rules and regulations involving financial products and services, including in effectuating and interpreting the provisions of the Financial Services Law, the Banking Law ("BL"), and the Insurance Law, and in governing the procedures to be followed in the practice of the Department.

BL Section 10 sets forth a declaration of policy, including that banking institutions will be regulated in a manner to insure safe and sound conduct and maintain public confidence. BL Section 14 references, without limitation, the policy of BL Section 10 and sets forth certain powers of the Superintendent under the BL, including the power to "make, alter and amend orders, rules and regulations not inconsistent with law".

Numerous statutory provisions in the BL and the Personal Property Law govern variable interest rate loans. Pursuant to Sections 14.1, 108.4, 108.5, 202, 235.8-b, 351.2, and 590-a.3 of the BL, and Sections 303.4, 404.4, and 413.3 of the Personal Property Law, certain types of variable interest rate loans may only be made in accordance with benchmark indices approved by the Department of Financial Services ("Department").

The Department has promulgated numerous rules to regulate specific types of variable rate lending. 3 NYCRR 33 governs variable rate closed-end personal loans. 3 NYCRR 80 governs variable rate junior mortgage loans. 3 NYCRR 90 governs variable rate open-end accounts established by banking institutions. 3 NYCRR 91 governs variable rate installment agreements. 3 NYCRR 92 covers variable rate closed-end retail installment contracts and obligations. This entire series of regulations requires use of benchmark indices to do interest rate calculations. The Department lists these approved benchmarks in Parts 333 and 334 of Title 3 of the NYCRR.

2. Legislative objectives: By requiring the Department to approve benchmark indices that may be used to set rates for certain variable interest rate loans, the Legislature intended to protect consumers against potential abuse by ensuring that only rates that are not subject to manipulation are used. This is evident, for example, in the language of Section 590-a(3) of the Banking Law, which specifies that approved indices must be

“(a) readily available, (b) independently verifiable, (c) beyond the control of the licensee, and (d) approved by the superintendent.”

Parts 333 and 334 must be amended to serve this legislative objective. The London Inter-Bank Offered Rate (“LIBOR”) is a major benchmark index commonly used by the industry and both Parts 333 and 334 have listed one month, three-month, six-month and one year LIBOR as approved benchmark rates. Unfortunately, multiple civil and criminal investigations in recent years have shown that the LIBOR index was being manipulated by the banks that calculated the rate.

With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. One week and two-month dollar denominated LIBOR rates expired at the end of 2021. All other dollar denominated LIBOR rates are set to expire in June 2023.

Accordingly, the Department is amending Parts 333 and 334 to make the Secured Overnight Financing Rate (“SOFR”) available as an alternative benchmark for pricing variable rate loans.

3. Needs and benefits: The Department regulates more than 250 state-chartered banks and licensed foreign bank branches and agencies in New York, and a variety of other entities engaged in delivering financial services to the residents of New York State. Any of these institutions that offer certain variable interest rate products need to set the rate in accordance with indices approved by the Department. Historically, LIBOR was a common index widely used to set variable interest rates. With LIBOR set to expire completely by 2023, the Department needs to approve a new index that can be used to set rates. The need to approve new benchmark indices is important now as several federal regulators, some of which the Department shares oversight of its regulated institutions, announced that they consider it an unsafe and unsound practice to set rates using LIBOR after December 31, 2021. Approving the SOFR benchmark, the same rate that federal regulators have approved, will allow the Department’s regulated institutions to continue to make variable rate loans without engaging in practices that the federal regulators have deemed to be an unsafe or unsound.

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

5. Local government mandates: The amendments do not impose any mandates on local governments.

6. Paperwork: The proposed amendments do not create any new reporting, recordkeeping or other compliance requirements for any regulated business whether it is large or small

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

8. Alternatives: The purpose of the amendment is to add an additional approved index to Parts 333 and 334 to facilitate the transition away from LIBOR. There is no rational alternative but to amend the regulations that already specify the benchmarks approved by the Department.

9. Federal standards: Federal law does not govern the rates used for these variable loans in a strict sense. Nonetheless, many companies regulated by the Department are also subject to federal regulations and supervision. Accordingly, the Department believes it is best if its regulations are harmonious with federal regulations and policy standards.

The Consumer Finance Protection Bureau (“CFPB”) has amended its Regulation Z to facilitate the transition away from LIBOR. CFPB will allow its regulated institutions to use SOFR benchmarks. Amendments to Regulation Z concerning LIBOR and SFOR will be phased in over a 2 year period. See https://files.consumerfinance.gov/f/documents/cfpb_facilitating-libor-transition_final-rule_2021-12.pdf.

Further, the Federal Reserve Board of Governors, Federal Deposit Insurance Corporation and the Office of the Comptroller of the Currency have jointly stated that, given the risks of using an index that will be discontinued, the agencies “believe entering into new contracts that use USD LIBOR as a reference rate after December 31, 2021, would create safety and soundness risks and will examine bank practices accordingly.” See <https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20201130a1.pdf>. Accordingly, any institution that is jointly regulated by the Department and a federal agency that adopts the position outlined in the joint statement should already be using a new benchmark as of January 1, 2022 or risk being found to be operating in an unsafe and unsound manner.

10. Compliance schedule: The emergency regulations are effective immediately.

Regulatory Flexibility Analysis

The purpose of the proposed amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans. This additional index is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future. The amendments impose no reporting, recordkeeping, or other compliance requirements on public or private entities. Therefore, the amendments will not impose any adverse impacts on local government or small businesses.

Rural Area Flexibility Analysis

The purpose of the proposed amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans. This additional index is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future. Therefore, the amendments will not impose any adverse impacts on rural areas or any new or heightened reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. The proposed amendments do not distinguish between regulated parties located in rural, suburban, or metropolitan areas of New York State, but apply universally throughout the state.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The purpose of the amendments is to add an additional index that regulated entities may use to make certain variable interest rate loans. This additional index is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future.

New York State Joint Commission on Public Ethics

EMERGENCY RULE MAKING

Adjudicatory Proceedings and Appeals Procedures for Matters Under the Commission’s Jurisdiction

I.D. No. JPE-06-22-00015-E

Filing No. 469

Filing Date: 2022-06-24

Effective Date: 2022-06-24

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

Action taken: Amendment of Part 941 of Title 19 NYCRR.

Statutory authority: Executive Law, section 94(14)

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

Specific reasons underlying the finding of necessity: The regulatory amendments are necessary to provide for expanded notification and disclosure to various parties, including the complainant, subject, witnesses, and others as appropriate, when the commission takes action on a matter. This will ensure transparency regarding agency operations and the status of long-standing investigations, as well as resolve procedural issues that have been raised in litigation. In addition, this rulemaking provides that the Commission may disclose confidential information concerning investigative matters when the Commission determines that it is in the public interest to do so and that the Commission has authorized staff to make certain general public statements when it is in the public interest to do so.

This emergency rule is necessary for general welfare to increase public information and understanding about critical matters of public interest. Therefore, upon Emergency Adoption, these amendments will be in effect immediately.

Subject: Adjudicatory proceedings and appeals procedures for matters under the Commission’s jurisdiction.

Purpose: To increase transparency of the Commission.

Substance of emergency rule (Full text is posted at the following State website: <https://jcope.ny.gov/proposed-regulations-and-guidance>): The Emergency Re-Adoption amends 19 NYCRR Part 941 to ensure transparency regarding agency operations and the status of long-standing investigations, as well as resolve procedural issues that have been raised in litigation.

The regulatory amendments add a definition of Agency, Complainant and Subject and clarify the definition of Commission and the Joint Commission on Public Ethics.

Additionally, the amended regulations clarify the various notices the Commission may send, which include a Notice of Allegations, Notice of Commission Vote, Notice of Hearing and Notice of Closure, and the requirements around such notices.

Furthermore, this rulemaking provides the parameters in which the Commission may disclose confidential information concerning investigative matters when the Commission determines that it is in the public interest to do so. In addition, the Commission has authorized staff to make certain general public statements concerning investigative matters, when it is in the public interest to do so.

Moreover, the regulatory amendments require that additional information be released on a regular basis, on the Commission's website or yearly in the Commission's annual report, that the Commission has deemed to be in the public interest.

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. JPE-06-22-00015-EP, Issue of February 9, 2022. The emergency rule will expire August 22, 2022.

Text of rule and any required statements and analyses may be obtained from: Megan Mutolo, Joint Commission on Public Ethics, 540 Broadway, Albany NY 12207, (518) 408-3976, email: megan.mutolo@jcope.ny.gov

Regulatory Impact Statement

1. **Statutory Authority:** Executive Law § 94(14) authorizes the Joint Commission on Public Ethics ("Commission") to adopt rules governing the conduct of adjudicatory proceedings and appeals consistent with the New York State Administrative Procedure Act ("SAPA"). Moreover, certain Commission proceedings are otherwise subject to stated provisions SAPA. Part 941 set forth rules for adjudicatory proceedings and appeals relating to: potential violations of the law that fall within the Commission's jurisdiction, including investigatory matters pursuant to Executive Law § 94(13); appeals taken from denials of requests to delete or exempt certain information from a financial disclosure statement pursuant to Executive Law §§ 94(9)(h) or (i); or Public Officers Law § 73-a(3)(8)(b-1), (b-2), or (c); exempt certain individuals from filing a financial disclosure statement pursuant to Executive Law § 94(9)(k); and appeals taken from denials of applications for exemptions under Article 1-A of the Legislative Law §§ 1-h, 1-j and 19 NYCRR Part 938.6.

2. **Legislative Objectives:** To provide guidance and procedures regarding the conduct of adjudicatory proceedings and appeals for matters arising under the Commission's jurisdiction.

3. **Needs and Benefits:** This Emergency Adoption amends 19 NYCRR Part 941 to provide for expanded notification and disclosure to various parties, including the complainant, subject, witnesses, and others as appropriate, when the commission takes action on a matter. This will ensure transparency regarding agency operations and the status of long-standing investigations, as well as resolve procedural issues that have been raised in litigation. In addition, this rulemaking includes a requirement that the Commission may disclose confidential information concerning investigative matters when the Commission determines that it is in the public interest to do so and that the Commission has authorized staff to make certain general public statements when it is in the public interest to do so.

4. **Costs:**

a. **Costs to regulated parties for implementation and compliance:** Minimal.

b. **Costs to the agency, state and local governments for the implementation and continuation of the rule:** No costs to such entities.

c. **Cost information is based on the fact that there will be minimal costs to regulated parties and state and local government for training staff on changes to the requirements.** The cost to the agency is based on the estimated slight increase in staff resources to implement the regulations.

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

6. **Paperwork:** This regulation may require the preparation of additional forms or paperwork. Such additional paperwork is expected to be minimal.

7. **Duplication:** This regulation does not duplicate any existing federal, state or local regulations.

8. **Alternatives:** Part J, Chapter 286, Laws of 2016, imposes an affirmative duty on the Commission to update and maintain adjudicatory proceedings as needed. Therefore there is no alternative to amending the Commission's existing regulation if the Commission changes its procedures.

9. **Federal Standards:** This regulation does not exceed any minimum standards of the federal government with regard to a similar subject area.

10. **Compliance Schedule:** Compliance with the emergency regulation will take effect on the date it is filed with the Department of State. The Proposed Rulemaking will take effect upon adoption.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted with this Notice of Emergency Adoption because the rulemaking will not impose any adverse economic impact on small businesses or local governments, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of these entities

for compliance purposes. The Joint Commission on Public Ethics makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted with this Notice of Emergency Adoption because the rulemaking will not impose any adverse economic impact on rural areas, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of rural areas. The Joint Commission on Public Ethics makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities. Rural areas are not affected.

Job Impact Statement

A Job Impact Statement is not submitted with this Notice of Emergency Adoption because the proposed rulemaking will have limited, if any, impact on jobs or employment opportunities. This regulation implements current law and, therefore, imposes no new requirements. This regulation does not relate to job or employment opportunities.

Assessment of Public Comment

During the official public comment period, the New York State Joint Commission on Public Ethics ("Commission") received three written comments regarding the Commission's proposed regulation, which amends the Adjudicatory Proceedings and Appeals Procedures provided in Part 941.

All three commenters requested an extension of the public comment period for the proposed regulation due to the Fiscal Year 2022-2023 Budget not being made public in sufficient time for comments to address any potential changes in statutory language. In light of these comments, even though the required comment period ended on April 10, 2022, the Commission has continued to accept comments through May 31, 2022.

No changes to the proposed regulation were necessary to address these comments.

NOTICE OF ADOPTION

Adjudicatory Proceedings and Appeals Procedures for Matters Under the Commission's Jurisdiction

I.D. No. JPE-06-22-00015-A

Filing No. 484

Filing Date: 2022-06-28

Effective Date: 2022-07-13

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

Action taken: Amendment of Part 941 of Title 19 NYCRR.

Statutory authority: Executive Law, section 94(14)

Subject: Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction.

Purpose: To increase transparency of the Commission.

Text or summary was published in the February 9, 2022 issue of the Register, I.D. No. JPE-06-22-00015-EP.

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

Text of rule and any required statements and analyses may be obtained from: Megan Mutolo, Joint Commission on Public Ethics, 540 Broadway, Albany, NY 12207, (518) 408-3976, email: Megan.Mutolo@jcope.ny.gov

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2027, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

Office of Medicaid Inspector General

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Medicaid Program Fraud, Waste and Abuse Prevention

I.D. No. MED-28-22-00016-P

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

Proposed Action: Repeal of Part 521; addition of new Part 521 to Title 18 NYCRR.

Statutory authority: Public Health Law, section 32(20); Social Services Law, sections 363-d and 364-j(39)

Subject: Medicaid Program Fraud, Waste and Abuse Prevention.

Purpose: To establish requirements for providers to detect and prevent fraud, waste and abuse in the Medicaid program.

Substance of proposed rule (Full text is posted at the following State website: <https://omig.ny.gov/information-resources/laws-and-regulations>):

The proposed rulemaking would repeal and add a new 18 NYCRR Part 521 to implement statutory changes resulting from the recommendations of the Medicaid Redesign Team II as adopted in the State Fiscal Year 2020-2021 Enacted Budget (Chapter 56 of the Laws of 2020, Part QQ) and to make other conforming changes related to (1) provider compliance programs, (2) Medicaid managed care plan fraud, waste and abuse prevention programs under the Medical Assistance (Medicaid) program, and (3) the obligation to report, return and explain Medicaid overpayments through OMIG's Self-Disclosure Program.

Subpart 521-1 is added to replace what was formerly Part 521, Provider Compliance Programs, to conform to changes made to Social Services Law (SOS) § 363-d to align State and Federal provisions related to compliance programs.

Section 521-1.1 is added to establish the scope of the regulation setting forth the requirements for the adoption and implementation of effective compliance programs. Consistent with statutory requirements, the regulation applies to any person (referred to as a "Required Provider") subject to Articles 28 or 36 of the Public Health Law, Articles 16 or 31 of the Mental Hygiene Law, Medicaid managed care organizations, including managed long term care plans, referred to collectively as "MMCO," and any other person for whom the Medicaid program is a substantial portion of their business operations.

Section 521-1.2 is added to define certain terms.

Section 521-1.3 is added to specify the duties of a Required Provider.

Section 521-1.3(a) sets forth the general obligation of Required Providers to adopt, implement and maintain an effective compliance program.

Section 521-1.3(b) is added to establish the obligation of Required Providers to retain records relevant to their adoption, implementation and maintenance of a compliance program under the regulation, and to make such records available to OMIG, DOH or the New York State Medicaid Fraud Control Unit (MFCU). It also establishes the record retention period which is consistent with the requirements of 18 NYCRR § 504.3(a) and § 517.3, except that MMCOs shall retain records for a period of 10 years, consistent with the terms of the contracts between the MMCOs and DOH.

Section 521-1.3(c) is added to specify compliance program requirements relevant to any Required Provider's contractor, agent, subcontractor or independent contractor.

Section 521-1.3(d) is added to specify the "Risk Areas" that shall be applicable to the Required Provider and specify additional risk areas applicable to MMCOs.

Section 521-1.3(e) is added to require that Required Providers comply with the directives of DOH and OMIG with respect to compliance programs required by the regulation.

Section 521-1.3(f) is added to specify, consistent with statutory requirements, that Required Providers certify to DOH that they have adopted and implemented an effective compliance program upon enrollment and annually thereafter, and to clarify certification requirements for MMCO Participating Providers.

Section 521-1.3(g) is added to specify that Required Providers must comply with Subpart 521-3 of this Part to report, return and explain overpayments.

Section 521-1.4 is added to clarify, consistent with statutory requirements, the seven (7) elements of an effective compliance program, and to

provide direction to Required Providers in the adoption and implementation of such programs.

Section 521-1.4(a) is added to clarify the requirements for the development of written policies and procedures, and the types of written policies and procedures that the Required Provider is required to develop and maintain.

Section 521-1.4(b) is added to clarify the requirements for the designation of a compliance officer, their primary responsibilities, the reporting structure, and other provisions related to the compliance officer being able to effectively carry out their responsibilities.

Section 521-1.4(c) is added to clarify the requirements for the establishment of a compliance committee, its primary responsibilities, the requirement for a compliance committee charter, and reporting structure.

Section 521-1.4(d) is added to clarify the requirements for establishing and implementing an effective training program for the Required Provider's compliance officer and all Affected Individuals.

Section 521-1.4(e) is added to clarify the requirements for establishing and implementing effective lines of communication, including accessibility, publication, a method for anonymous reporting, and confidentiality.

Section 521-1.4(f) is added to clarify the requirements for the publication and enforcement of the Required Provider's disciplinary procedures, and the requirement that such procedures be enforced fairly and consistently.

Section 521-1.4(g) is added to clarify the requirements for the Required Provider's auditing and monitoring, including the types of audits the Required Provider must undertake, the frequency of such audits, and other requirements related to internal and external auditing. It also includes a requirement that the Required Provider actively monitor its Affected Individuals to identify persons who have been excluded from participation in the Medicaid program.

Section 521-1.4(h) is added to clarify the requirements for responding to compliance issues, including procedures for the detection of compliance issues, documentation of such issues, and reporting of any violations of State or Federal law.

Section 521-1.5 is added to specify the procedures for OMIG compliance program reviews. Sections 521-1.5(a)-(d) outlines the scope of the review, notifications to the Required Provider, and how OMIG or DOH will communicate its determination.

Subpart 521-2 is added to establish the requirements, consistent with SOS § 364-j(39), for Medicaid Managed Care Fraud, Waste and Abuse Prevention Programs.

Section 521-2.1(a)-(c) is added to set forth the scope of the Subpart, that it shall apply to MMCOs, and to acknowledge related regulations in 10 NYCRR § 98-1.21 and 11 NYCRR § 86.6.

Section 521-2.2(a) is added to define certain terms.

Section 521-2.3(a) is added to establish the general requirement that MMCOs adopt and implement policies and procedures designed to detect and prevent fraud, waste and abuse.

Section 521-2.3(b) is added to specify the MMCO's record retention and cooperation obligations relevant to the adoption and implementation of its fraud, waste and abuse prevention program under this Subpart.

Section 521-2.3(c) is added to specify requirements relative to an MMCO's contractors, agents, subcontractors, and independent contractors with respect to its fraud, waste and abuse prevention program.

Section 521-2.4(a) is added to specify, consistent with statutory requirements, that MMCOs, as part of their fraud, waste and abuse prevention programs, adopt, implement, and maintain an effective compliance program pursuant to Subpart 521-1, and to specify the requirements for incorporating elements of the prevention program into the compliance program.

Section 521-2.4(b) is added to specify requirements for the establishment of special investigation units (SIU), including staffing requirements, investigator qualifications, lead investigator obligations, the obligation to prepare an SIU work plan, and requirements for delegating the MMCO's SIU function to a management contractor.

Section 521-2.4(c) is added to specify audit and investigation requirements including the scope of audits to be undertaken and the general requirements for conducting such audits and investigations.

Section 521-2.4(d) is added to require MMCOs to report cases of fraud, waste and abuse to OMIG in accordance with the provisions of the MMCO's contract with DOH.

Section 521-2.4(e) is added to clarify that MMCOs and their subcontractors shall refer reasonably suspected criminal activity to OMIG and MFCU in accordance with contractual obligations.

Section 521-2.4(f) is added to clarify that MMCOs, consistent with Federal and contractual requirements, shall have policies and procedures for providers to report, return and explain overpayments to the MMCO within sixty (60) days of identification, and that the MMCO shall report such recoveries to OMIG and DOH in accordance with the terms of the MMCO's contract with the department.

Section 521-2.4(g) is added to require the MMCO to develop a fraud, waste and abuse procedures manual for the use of its employees.

Section 521-2.4(h) is added to specify additional program integrity obligations, including the development and publication of a fraud, waste and abuse public awareness program and the publication of the policies and procedures for providers to report, return and explain overpayments to the MMCO.

Section 521-2.4(i) is added to clarify the MMCO's obligation to prepare and file with OMIG a fraud, waste and abuse prevention plan. Section 521-2.4(j)(4) specifies that OMIG will accept a fraud and abuse prevention plan that has been prepared in accordance with the provisions of 10 NYCRR § 98-1.21 or 11 NYCRR § 86.6, provided that any additional requirements under Subpart 521-2 are included with the submission.

Section 521-2.4(j) is added to specify the deadline for submitting and the elements to include in the annual report the MMCO is required to submit to OMIG on its performance under the fraud, waste and abuse prevention program.

Section 521-2.4(k) is added to clarify an MMCO's obligation to report information required by the regulation and contract.

Subpart 521-3 is added to establish the requirements, consistent with the statutory requirements, that persons shall report, return and explain overpayments consistent with SOS § 363-d(6), and to explain the requirements of the self-disclosure program administered by OMIG consistent with SOS § 363-d(7).

Section 521-3.1(a)-(c) is added to set forth the scope and applicability of the Subpart.

Section 521-3.2 is added to define certain terms.

Section 521-3.3(a) is added to clarify the requirements for reporting and returning overpayments received from the Medicaid program.

Section 521-3.3(b) is added to clarify the timeframes for reporting, returning and explaining overpayments received from the Medicaid program.

Section 521-3.4(a) is added to identify OMIG's Self-Disclosure Program as the mechanism by which a person reports, returns and explains an overpayment received from the Medicaid program.

Section 521-3.4(b) is added to set forth the general requirements for OMIG's Self-Disclosure Program, including eligibility of a person to participate in the program.

Section 521-3.4(c) is added to specify the information required to be submitted by the person seeking to report, return and explain an overpayment through OMIG's Self-Disclosure Program.

Section 521-3.4(d) is added to outline OMIG's process for receiving and reviewing self-disclosure submissions.

Section 521-3.4(e) is added to clarify the requirements for Self-Disclosure and Compliance Agreements and the requirements for executing such agreements.

Section 521-3.4(f) is added to clarify the circumstances under which and the process by which OMIG may terminate a person's participation in the Self-Disclosure Program.

Section 521-3.5 is added to specify the requirements, following the completion of OMIG's review of the person's self-disclosure, for the person to remit the overpayment, including interest, if applicable, to the department.

Section 521-3.6 is added to specify the requirements applicable to all notifications OMIG issues to the person under Subpart 521-3.

Section 521-3.7 is added to clarify how the requirements of Subpart 521-3 will be enforced where a person fails to report, return and explain an overpayment by the deadline specified in law and regulation.

Text of proposed rule and any required statements and analyses may be obtained from: Michael T. D'Allaird, Office of the Medicaid Inspector General, 800 North Pearl Street, 2nd Floor, Albany, New York 12204, (518) 408-5803, email: rulemaking@omig.ny.gov

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

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

Regulatory Impact Statement

Statutory Authority

The Office of the Medicaid Inspector General (OMIG) is an independent office within the Department of Health ("Department") responsible for the prevention, detection, and investigation of fraud and abuse in New York State's Medical Assistance (Medicaid) program pursuant to New York State Public Health Law ("PBH") § 31. PBH § 32(20) sets forth the functions, duties and responsibilities of OMIG, and specifically authorizes OMIG to "implement and amend, as needed, rules and regulations related to the prevention, detection, investigation and referral of fraud and abuse within the medical assistance program and the recovery of improperly expended medical assistance program funds." New York State Social Services Law ("SOS") § 363-d requires that certain Medicaid providers (including managed care plans) adopt and implement a compliance

program and establishes the State requirement that persons shall report, return and explain overpayments within sixty (60) days of identification, and codifies the requirements of the self-disclosure program administered by OMIG and authorizes OMIG, in consultation with the Department, to promulgate regulations. SOS § 364-j(39) requires managed care plans, including managed long term care plans (collectively "MMCO") to adopt and implement policies and procedures designed to detect and prevent fraud, waste and abuse, and authorizes OMIG, in consultation with the department, to promulgate regulations.

Legislative Objectives

The legislative objective is to protect the fiscal integrity of the Medicaid program and promote provider and MMCO compliance with Medicaid program laws, rules and requirements.

Subdivisions 1-7 of SOS § 363-d were amended to better align the elements of New York State's mandatory compliance program with the elements found in Federal regulations and guidance, to codify the federal requirement that a person report, return and explain Medicaid overpayments in State law, and to codify the requirements of OMIG's self-disclosure program. In addition, the statute was updated to include a monetary penalty for any provider who fails to adopt and implement an effective compliance program and for any person who fails to report return and explain an identified overpayment received from the Medicaid program. The provisions relating to the monetary penalty were promulgated in OMIG's October 2020 rulemaking amending 18 NYCRR Part 516.

Subdivision 39 of SOS § 364-j was added to require MMCOs to adopt and implement policies and procedures designed to detect and prevent fraud, waste and abuse under the Medicaid program. These policies and procedures include a compliance program, consistent with the requirements of SOS § 363-d, and the establishment of a special investigation unit (SIU) if the MMCO meets certain enrolled population thresholds.

Needs and Benefits

This rulemaking is necessary for the State to implement provisions of the State Fiscal Year 2020-2021 Enacted Budget (Chapter 56 of the Laws of 2020, Part QQ) and Medicaid program integrity reform initiatives of the MRT II. SOS § 363-d sets forth the general requirements for providers to adopt and implement a compliance program, requires providers to report, return and explain overpayments from the Medicaid program, and codifies OMIG's self-disclosure program. SOS § 364-j(39) requires MMCOs to adopt and implement fraud, waste and abuse prevention programs. This rulemaking repeals and replaces Part 521 and creates three (3) new Subparts to address these requirements.

Subpart 521-1 further defines and clarifies the standards and requirements for the adoption and implementation of an effective compliance program. The prior version of Part 521 largely mirrored the language in the statute and relied on guidance documents to further define compliance program requirements. This rulemaking will provide clarity and direction to providers and set expectations prior to a compliance program review by OMIG.

Subpart 521-2 establishes the standards and requirements for the adoption and implementation of policies and procedures to detect and prevent fraud, waste and abuse for MMCOs. The statute requires MMCOs with a certain number of enrolled Medicaid recipients to establish an SIU. Existing DOH and DFS regulations require certain health plans to establish an SIU and have a fraud and abuse prevention plan. This new Subpart creates a standard for the Medicaid program that will be consistent across all plans participating in the Medicaid program.

Subpart 521-3 clarifies the requirement that persons shall report, return and explain overpayments within sixty (60) days of identification and codifies the requirements of the self-disclosure program administered by OMIG.

Costs

Generally, any costs that may be incurred by providers, MMCOs or other persons would be a direct result of the statutory authority and not this rulemaking. Furthermore, most, if not all, of the statutory authority were either modifications of existing statutory obligations, or codification of existing Federal requirements. The requirement that certain Medicaid providers adopt and implement a compliance program was established in SOS § 363-d in 2006. The current amendments did not change the pre-existing obligation to adopt and implement an effective compliance program or the scope of who was required to do so, nor the requirement to report, return and explain identified overpayments received from the Medicaid program. Rather, it aligned the State compliance program requirement more closely with the standard used at the Federal level and codified the Federal requirement that a person who has received and identified an overpayment from the Medicaid program, report, return and explain the overpayment to the Medicaid program. Likewise, many MMCOs are required to have a fraud and abuse prevention plan pursuant to existing DOH or DFS regulation. This rule will expand the requirement to establish an SIU to additional MMCOs. It is anticipated that this

rulemaking will achieve savings for both providers and taxpayers as it provides direction and clarification of the statutory requirements, which will be subject to review by OMIG, and could result in the recovery of overpayments and/or the imposition of monetary penalties.

Costs to Regulated Parties

As a result of this rulemaking, regulated parties are not expected to incur additional costs for continuing compliance with SOS § 363-d. Under the statute, specific categories of providers are required to adopt, and implement effective compliance programs as well as the obligation to report, return and explain overpayments. Furthermore, this rulemaking amends the existing definition of “substantial portion of business operations,” to increase the value of claims submitted to the Medicaid program or payments received from the Medicaid program, from \$500,000 to \$1,000,000, and eliminates the category of “ordering.” The result is that fewer providers will be subject to the provisions of Subpart 521-1. Aligning the Federal and State standards for compliance programs should also reduce costs to Medicaid providers, such as MMCOs, who participate in other government programs with similar requirements.

Many MMCOs participating in the Medicaid program are currently required to have a fraud and abuse prevention plan and establish an SIU. The requirement that an MMCO with a certain enrolled Medicaid population must establish an SIU is set forth in statute, and therefore any costs associated with that requirement are the result of the statute, not this rulemaking. This rulemaking seeks to provide clarity and consistency in MMCO requirements within the Medicaid program. It is expected that MMCOs will incur additional costs associated with the staffing requirements for SIUs, particularly where an MMCO does not have an existing SIU. However, the rulemaking provides flexibility with regard to staffing and other provisions to allow for innovation on the part of MMCOs in meeting the SIU staffing requirement of Subpart 521-2.

Costs to State Government and the State Agency

State government and the Medicaid Inspector General are not expected to incur any additional costs as a result of this rulemaking. Agency personnel will continue to conduct compliance program reviews, audits, investigations, and reviews of individuals and entities participating in the Medicaid program.

Costs to Local Government

There will be no additional costs to local government as a result of this rulemaking.

Local Government Mandates

The proposed rulemaking does not impose any new program, services, duties, or responsibilities upon any county, city, town, village, school district, fire district, or other special district.

Paperwork

No additional paperwork requirements will be imposed upon regulated parties under the proposed regulation. Medicaid providers and MMCOs who are subject to the proposed regulations are already required to maintain documents associated with their compliance programs.

Duplication

The statute incorporates requirements under 42 U.S.C.1396-a(a)(68), which requires providers who makes or receives payments from government programs (i.e., Medicaid) of more than \$5,000,000, to have policies, procedures, and education regarding Federal and State False Claims Act provisions and related Federal or State laws. Providers who are subject to this Federal statute are also required to adopt and implement an effective compliance program under SOS § 363-d. Its inclusion in the statute, and this rulemaking, does not create any overlapping or conflicting requirements. Rather it will ensure that OMIG reviews of compliance with the Federal requirement will be conducted in conjunction with its review of a provider’s compliance program, which is more efficient for both the provider and the State.

The department is required, pursuant to 42 C.F.R. § 438.608, to require MMCOs, through the MMCO’s contract with the department, to adopt and implement an effective compliance program. The amendments made to SOS § 363-d and this rulemaking align with the requirements of the Federal regulation and the MMCO’s contract with the department and provides clarification on the general requirements outlined in the contract.

The statute also includes a provision that a provider whose compliance program is accepted by the Federal Office of Inspector General for the Department of Health and Human Services, or for MMCOs whose compliance program satisfies the requirements of the MMCO’s contract with the department, that such programs may satisfy the requirements of the statute if it adequately addresses “medical assistance risk areas and compliance issues.”

MMCO’s subject to this rulemaking may already be required to adopt and implement policies and procedures designed to detect and prevent fraud and abuse pursuant to 10 NYCRR § 98-1.21 or 11 NYCRR § 86.6. To the extent it is appropriate for the Medicaid program, the requirements of Subpart 521-2 were drafted to be consistent with existing requirements.

Alternatives

There were no significant alternatives considered as the changes were made to align to the revised statutory obligations.

Federal Standards

There are no mandatory Federal standards or requirements for compliance programs for Medicaid providers. However, as noted previously, 42 U.S.C.1396-a(a)(68), requires providers who make or receive payments, directly or indirectly, from a government program (i.e., Medicaid) of more than \$5,000,000, to have policies, procedures and education regarding Federal and State False Claims Act provisions and other similar Federal or State laws. This rulemaking exceeds the Federal requirement by requiring all providers subject to the provisions of SOS § 363-d to have policies and procedures pursuant to 42 U.S.C.1396-a(a)(68), regardless of whether they meet the billing threshold. The rule exceeds this federal requirement because SOS § 363-d broadly requires providers to have written policies and procedures, as well as training programs, which address the provider’s compliance with State and Federal standards. The policies and procedures of 42 U.S.C.1396-a(a)(68) fall within this broad standard, and it is not expected that providers would incur any significant costs incorporating this requirement into their compliance programs. Finally, having policies and procedures, as well as education, regarding the State and Federal false claims act as part of a provider’s compliance program, which includes the rights of employees to be protected as whistleblowers, is an important safeguard in the prevention and detection of fraud and abuse in the Medicaid program.

Further, the amendments to SOS § 363-d and this rulemaking generally align with Federal requirements requiring overpayments from the Medicaid program be reported, returned and explained under 42 U.S.C. 1320-7k(d).

Compliance Schedule

Subparts 521-1,521-2 and 521-3 will take effect upon publication of a Notice of Adoption in the State Register. As noted in SOS § 363-d(3)(c), enforcement of compliance program requirements under Subpart 521-1 will not begin until 90 days after the effective date of the regulation. Similarly, enforcement of the Subpart 521-2 requirements will not begin until 90 days after the effective date of the regulation.

Regulatory Flexibility Analysis

The proposed regulation applies to certain providers (defined by statute) participating in the Medicaid program, including some small businesses; modifies existing requirements for adopting and implementing required compliance programs; imposes an obligation for Medicaid managed care organizations and managed long term care plans (collectively “MMCO”) to establish a fraud, waste and abuse prevention program, and certain MMCOs to establish an SIU; establishes the requirement that persons shall report, return and explain overpayments to the Medicaid program; and codifies the requirements of the self-disclosure program administered by OMIG.

1. Effect of rule:

The proposed regulations require that certain Medicaid providers, including small businesses adopt and implement a compliance program. In addition, all MMCOs participating in the Medicaid program are required to adopt and implement a fraud, waste and abuse prevention program under Subpart 521-2. The proposed regulations relating to compliance programs (Subpart 521-1) will apply to any businesses that fall under one or more of four general categories:

1. providers that are subject to the provisions of Articles 28 or 36 of the public health law;
2. providers that are subject to the provisions of Articles 16 or 31 of the mental hygiene law;
3. managed care providers; and
4. persons who submit Medicaid claims or receive Medicaid payments totaling \$1,000,000 or greater in a twelve-month period.

These categories of providers are required by SOS § 363-d to adopt, implement and maintain a compliance program. The proposed regulations are consistent with those statutory requirements. The fourth category of providers previously had a threshold of \$500,000 of Medicaid claims within a twelve-month period, and the amendment to this regulation increases the threshold to \$1,000,000. This change will enable OMIG to focus on providers with significant potential impact on the Medicaid program, and it may result in cost savings for some small businesses and local governments which will no longer be required to maintain a compliance program which satisfies the requirements of Subpart 521-1. While OMIG is unable to estimate the number of small businesses impacted by this rulemaking, it is anticipated that with the changes fewer small businesses will be subject to and impacted by these requirements.

Small businesses that meet the criteria listed above will continue to be required to have a compliance program. The types of small business providers that may be subject to these regulations include, but are not limited to, MMCOs, pharmacies, physicians, dentists, durable medical equipment businesses, service bureaus, and transportation providers.

It is estimated, based on information available to OMIG, that ap-

proximately 276 local government providers, including some school districts, fall under one or more of the categories of providers that are required to establish compliance programs. These entities will be required to comply with the existing statute and proposed regulations. As with small businesses, with these changes OMIG estimates that at least 55 local government providers who were subject to the prior version of Part 521 will not be subject to this rulemaking.

The proposed regulation also requires MMCOs to establish a fraud, waste and abuse prevention program (Subpart 521-2). MMCOs subject to this Subpart include Medicaid managed care organization and managed long term care plans. Such plans vary in the size and complexity of operations, but in general, this Subpart should not adversely affect small business and local governments.

The proposed regulation also clarifies a person's obligation to report, return, and explain identified overpayments received from the MA program, consistent with statutory requirements.

2. Compliance requirements:

Any small business or local government that is subject to the proposed regulations will be required to adopt and implement a compliance program and to report, return and explain overpayments received from the MA program in accordance with the requirements contained in SOS § 363-d and as further defined in the proposed regulations.

Many providers are already required to adopt and implement a compliance program under existing law, but depending on what policies, procedures and controls a provider has already instituted, additional action may be necessary. No additional affirmative acts will likely be required for a provider if that provider already has an effective compliance program that satisfies the elements contained in law and further defined in the proposed regulations.

3. Professional services:

Many providers are already required to adopt and implement a compliance program; however, they may require or continue to utilize the services of certain professionals, including medical professionals, auditors, attorneys, and compliance professionals, in order to update their policies, procedures, and controls in order to maintain an effective compliance program.

4. Compliance costs:

The requirement that certain Medicaid providers adopt and implement compliance programs is already a statutory requirement in SOS § 363-d. Providers and MMCOs may incur additional costs to comply with this rulemaking. These costs may result from additional reporting, recordkeeping and compliance costs. However, the costs incurred by these providers are a direct result of that statute and not this rulemaking. This rulemaking clarifies the types of providers that are subject to the compliance program requirement and must therefore incur costs, if any, associated with such a program.

The costs incurred by regulated parties in order to comply with the proposed rulemaking will vary depending upon existing control measures the provider has in place at the time the regulation takes effect. For those providers who already have an operating compliance program, potentially little or no costs may be incurred in order to modify a compliance program that satisfies the required elements in law and further defined in the proposed regulations. The extent of those costs will depend on the level of effort that is necessary for the provider to establish a compliance program that satisfies each of the mandatory elements.

The costs will also vary depending upon the size and other specific attributes of the provider. SOS § 363-d states that a provider's compliance plan should reflect the provider's size, complexity, resources, and culture. Thus, a large, complex provider may incur more costs in establishing a compliance program than a smaller provider might incur.

The proposed rulemaking will not impose costs on local governments in general, but local government entities that fall within the definition of a "required provider," including school districts, will be required to implement a compliance program. The cost analysis would be the same as other similarly situated providers covered by the statute.

It is estimated that increasing the threshold to \$1,000,000 in Medicaid claims for the definition of "substantial portion of business operations" will reduce the number of providers subject to Subpart 521-1 by approximately 2,300, which may result in cost savings to small businesses and local governments no longer subject to the specific requirements of this regulation. In assessing the costs that may be incurred by a provider when it maintains a compliance program, pursuant to SOS § 363-d and the proposed regulations, OMIG also considered the cost savings that could result from the implementation of an effective compliance program due to risk mitigation and other factors. These cost savings should diminish, if not completely offset, any costs incurred by providers in the implementation and maintenance of an effective compliance program, or in the case of an MMCO, a fraud, waste and abuse prevention program.

5. Economic and technological feasibility:

Although there may be some costs involved for some providers in

modifying existing compliance programs to comply with the proposed regulations, OMIG anticipates those costs will be lessened or offset entirely by the cost savings that Medicaid providers could realize once the program is implemented.

There are no new technologically challenging aspects to the requirements of the proposed rulemaking that do not already exist as requirements in current statutes, such as HIPAA, as a compliance program would establish measures to ensure compliance with laws relevant to the Medicaid program.

For these reasons, OMIG concludes that the proposed regulations will be economically and technically feasible for any affected small businesses and local governments.

6. Minimizing adverse impact:

SOS § 363-d states in part: "The legislature. . . recognizes the wide variety of provider types in the medical assistance program and the need for compliance programs that reflect a provider's size, complexity, resources, and culture. For a compliance program to be effective, it must be designed to be compatible with the provider's characteristics."

While each required provider will need to develop a compliance program that adequately addresses each of the elements listed in SOS § 363-d and further defined in the proposed regulations, OMIG will give due consideration and attention to the concerns noted by the legislature and review compliance programs for appropriateness consistent with the provider's specific characteristics.

The benefits associated with implementation of a compliance program, and for MMCOs, a fraud, waste and abuse prevention program, far outweigh any adverse economic impact. An effective compliance program will assist providers in preventing inappropriate payments and avoiding costs, such as reimbursements, penalties, and other adverse consequences, that might otherwise be incurred due to violations. The compliance program requirement will also help to ensure that: Medicaid funds are used properly and that payments are made only for legitimate claims; providers systematically identify, report, and return overpayments; medical care, services, and supplies provided meet required standards of care; individuals can report unacceptable practices, such as fraud, directly and safely; and that providers establish accountability in governance structures.

Although there are no mandatory federal standards or requirements for compliance programs for Medicaid providers, the federal government has issued guidance for many types of providers interested in voluntary compliance programs. OMIG has issued guidance on compliance programs, and DOH also issues advisory opinions on appropriate standards of compliance. Local government entities required to comply with this regulation can utilize those no cost guidelines and advisory opinions when developing an effective compliance program pursuant to this regulation.

7. Small business and local government participation:

These proposed regulations arise from a change in State law pursuant to Chapter 56 of the Laws of 2020, Part QQ. The initiatives were recommended by the MRT II following a series of public meetings where stakeholders had the opportunity to comment and collaborate on ideas to aid in the development of these program integrity initiatives. In addition, the MRT II was comprised of representatives of providers and MMCOs, amongst others. OMIG will comply with SAPA section 202-b(6) by providing MMCO associations, provider associations, many of whom represent small businesses, and NY county and local government organizations and associations with a summary of the rule prior to the public comment period, publishing the proposed amendment in the State Register and posting the proposed amendment on its website. OMIG welcomes comments on the proposed regulations from local governments and businesses, and any other program stakeholders.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

This rulemaking implements Social Services Law (SOS) § 363-d which requires certain Medicaid providers to adopt and implement required compliance programs and to report, return and explain overpayments received from the Medicaid program. In addition, it implements SOS § 364-j(39) which requires Medicaid managed care organizations and managed long term care plans (collectively "MMCO") to adopt and implement procedures to detect and prevent fraud, waste and abuse in the Medicaid program. SOS §§ 363-d and 364-j(39), and these proposed regulations apply uniformly to Medicaid providers and MMCOs throughout all 62 counties of the State, including those operating in rural areas of the State.

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

Medicaid providers and MMCOs in rural areas may be subject to additional reporting, recordkeeping, or other compliance requirements as the implementation of a compliance program, or in the case of an MMCO, a fraud, waste and abuse prevention, program requires maintenance of records to demonstrate the adoption and implementation of such programs. These additional compliance requirements are expected to be minimal. All

Medicaid providers, including MMCOs, are already subject to existing statutory and regulatory requirements for adopting and implementing compliance programs. Depending on what control measures a provider has already instituted, additional action may be necessary for a provider to meet the updated requirements of a Medicaid provider compliance program. Moreover, pursuant to SOS § 363-d the adoption and implementation of an effective compliance program is a condition, for those providers subject to the requirement, of being eligible to receive reimbursement under the Medicaid program, and Medicaid providers have existing requirements to maintain records demonstrating their right to receive payment. Furthermore, MMCOs have existing requirements in state and federal law and contract to maintain records and provide reporting to the state related to fraud, waste and abuse.

Many providers and MMCOs are already required to adopt and implement a compliance program or a fraud and abuse prevention plan; however, they may require or continue to utilize the services of certain professionals, including medical professionals, auditors, attorneys, and compliance professionals, in order to update their policies, procedures, and controls in order to maintain an effective compliance program.

3. Costs:

Providers and MMCOs may incur additional costs to comply with this rulemaking. These costs may result from additional reporting, recordkeeping and compliance costs. In the case of MMCOs, it may result from new requirements relating to the staffing of the MMCO's special investigation unit ("SIU"). There are also training requirements for the provider's or MMCO's "affected individuals." However, any costs should be minimal as most providers and MMCOs who are subject to this rulemaking, including those in rural areas, were required to have a compliance program under the prior iteration of the rule, and this rulemaking clarifies the types of providers that are subject to the compliance program requirement and likely to incur costs, if any, associated with such a program. It is anticipated that fewer providers will be subject to this regulation than under the prior version. Likewise, many MMCOs already have established fraud and abuse prevention programs, including the establishment of an SIU, and related requirements under contract.

In assessing the costs that may be incurred by a provider when it establishes a compliance program or an MMCO establishing a fraud, waste and abuse prevention program, OMIG also considered the cost savings that could result from the implementation such programs due to risk mitigation and other factors. These cost savings should diminish, if not completely offset, any costs incurred by providers and MMCOs in the development and implementation of the programs required under this regulation.

4. Minimizing adverse impact:

This rulemaking uniformly affects Medicaid providers and MMCOs located in both rural and non-rural areas in New York. It should not have an adverse impact on rural areas.

SOS § 363-d states in part: "The legislature. . . recognizes the wide variety of provider types in the medical assistance program and the need for compliance programs that reflect a provider's size, complexity, resources, and culture. For a compliance program to be effective, it must be designed to be compatible with the provider's characteristics."

While each required provider will need to develop a compliance program that adequately addresses each of the elements listed in SOS § 363-d and further defined in the proposed regulations, OMIG will give due consideration and attention to the concerns noted by the legislature and review compliance programs for appropriateness consistent with the provider's specific characteristics.

The benefits associated with implementation of a compliance program, and for MMCOs, a fraud, waste and abuse prevention program, far outweigh any adverse economic impact. An effective compliance program will assist providers in preventing inappropriate payments and avoiding costs, such as reimbursements, penalties, and other adverse consequences, that might otherwise be incurred due to violations. The compliance program requirement will also help to ensure that: Medicaid funds are used properly and that payments are made only for legitimate claims; providers systematically identify, report, and return overpayments; medical care, services, and supplies provided meet required standards of care; individuals can report unacceptable practices, such as fraud, directly and safely; and that providers establish accountability in governance structures.

Although there are no mandatory federal standards or requirements for compliance programs for Medicaid providers, the federal government has issued guidance for many types of providers interested in voluntary compliance programs. OMIG has also issued guidance on compliance programs. Providers and MMCOs in rural areas required to comply with this regulation can utilize those no cost guidelines when developing an effective compliance program pursuant to this regulation.

5. Rural area participation:

These proposed regulations arise from a change in State law pursuant to Chapter 56 of the Laws of 2020, Part QQ. The initiatives were recom-

mended by the MRT II following a series of public meetings where stakeholders had the opportunity to comment and collaborate on ideas to aid in the development of these program integrity initiatives. In addition, the MRT II was comprised of representatives of providers and MMCOs, amongst others. OMIG will comply with SAPA section 202-bb(7) by providing MMCO associations and provider associations, many of whom represent providers and MMCOs in rural areas, with a summary of the rule prior to the public comment period, publishing the proposed amendment in the State Register and posting the proposed amendment on its website. OMIG welcomes comments on the proposed regulations from providers and MMCOs operating in rural areas.

Job Impact Statement

The legislature has determined that Medicaid providers should be required to adopt and implement a compliance program in order to reduce errors and identify fraud in Medicaid billing and to report, return and explain overpayments. The legislature also determined that managed care plans and managed long term care plan (collectively "MMCO") shall be required to adopt and implement policies and procedures designed to detect and prevent fraud, waste and abuse in the Medical Assistance (Medicaid) program. This rulemaking is necessary in order to implement the statutory mandate in Social Services Law (SOS) § 363-d and SOS § 364-j(39). This rulemaking will also ensure that the regulated community is given appropriate notice as to which providers must implement a compliance program.

This rulemaking is part of an overall effort by New York State to enhance the integrity of its Medicaid program. The compliance program requirement in existing law helps to ensure that Medicaid funds are used properly and that payments are made only for legitimate claims. Although this rulemaking will require providers that are subject to the statute to implement guidelines further defined in the regulation for employee training and education and designate an employee with the responsibility of overseeing the compliance program, those providers may also realize benefits associated with the implementation of a compliance program. An effective compliance program will assist a provider in preventing inappropriate payments and avoiding costs, reimbursements, penalties, and other adverse consequences that might otherwise be incurred due to violations.

Likewise, Subpart 521-2 of this rulemaking proposes staffing requirements for MMCOs related to the establishment of a special investigation unit. It is expected that MMCOs already have staffing in place that is consistent with the standards established in the regulation due to existing contractual obligations. In addition, the regulation allows the MMCO flexibility to propose alternative staffing levels, provided it can show the effectiveness of its proposal in achieving the objectives of this rulemaking. Finally, it is expected that MMCOs will realize benefits, including increased recoveries or cost avoidance, through stepped up fraud, waste and abuse prevention and detection activities.

The costs incurred by regulated parties in order to comply with the proposed rulemaking will vary depending upon existing control measures the provider has in place at the time the regulation takes effect. Many providers are already required to adopt and implement a compliance program, all must report, return and explain overpayments, and many MMCO's are already required to have fraud and abuse prevention plans. However, they may require the services of certain professionals, including medical professionals, auditors, attorneys, and compliance professionals, to update their policies, procedures, and controls in order to maintain an effective compliance program. For those providers who already have an operating compliance program, potentially little or no costs may be incurred in order to meet the requirements in statute and in the proposed regulations. However, for those providers who do not have a program in place that meets the requirements set forth in this proposed rulemaking, some costs will be incurred in order to achieve compliance. The extent of those costs will depend on the level of effort that is necessary for the provider to establish a compliance program that satisfies each of the mandatory elements. Those elements are listed and described in both the proposed regulations and SOS § 363-d.

The requirement that certain Medicaid providers implement compliance programs and the requirement that all persons who have identified overpayments must report, return and explain overpayments is established by statute in SOS § 363-d. Likewise, the requirement that MMCOs adopt and implement a fraud, waste and abuse prevention program is established by statute in SOS § 364-j(39). Therefore, any adverse impact on jobs or employment opportunities that may be incurred by these providers would be a direct result of that statute and not this rulemaking. This rulemaking clarifies the types of providers that are subject to the compliance program requirement and must therefore incur costs, if any, associated with such a program.

In assessing the adverse impact on jobs or employment opportunities incurred by a provider when it establishes a compliance program, or the obligation to report, return and explain overpayments pursuant to SOS

§ 363-d or when an MMCO establishes a fraud, waste and abuse prevention program pursuant to SOS § 364-j(39) and the proposed regulations, due consideration should be given to the cost savings that may result from the implementation of such programs due to risk mitigation and other factors. These cost savings should diminish, if not completely offset, any costs incurred by providers or adverse impacts on jobs or employment opportunities in the implementation these requirements.

It is anticipated that the total impact on jobs and employment opportunities associated with establishing a provider compliance program, the obligation to report, return and explain overpayments, or MMCO fraud, waste and abuse prevention program will be relatively modest, particularly for providers or MMCOs who already have a full or partial program in place. For those providers and MMCOs who do not yet have an established program, the cost savings associated with such a program will help to offset the expense of implementing the program.

Therefore, the statutorily required compliance program for certain Medicaid providers, the obligation to report, return and explain overpayments, and fraud, waste and abuse program for MMCOs, as implemented by this rulemaking, should not have a substantial adverse impact on jobs and employment opportunities.

Office for People with Developmental Disabilities

EMERGENCY RULE MAKING

Certification of the Facility Class Known As Individualized Residential Alternative

I.D. No. PDD-07-22-00004-E

Filing No. 468

Filing Date: 2022-06-24

Effective Date: 2022-06-24

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

Action taken: Amendment of section 686.16 of 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 amendment of section 14 NYCRR 686.13 that authorizes the Commissioner to increase capacity of individualized residential alternatives (IRAs) in cases of exigent circumstances, is necessary to protect the health, safety, and welfare of individuals who receive these services. This regulation must be issued by emergency regulation to allow OPWDD the ability to move individuals into facilities with enough staff to take care of them appropriately. Given the increasing spread and transmissibility of COVID-19 OPWDD has had difficulties with meeting minimum staffing requirements. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards which includes safe and appropriate staffing of IRAs.

Subject: Certification of the Facility Class Known as Individualized Residential Alternative.

Purpose: To increase IRA capacity in cases of emergent circumstances.

Text of emergency rule: Existing subparagraph 686.16(a)(7)(i) is amended to read as follows:

(i) Facilities of 4-14 beds where on-site supervision is provided. Such facilities may be approved for a capacity in excess of 14 individuals in emergent circumstances and upon approval of the commissioner.

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-07-22-00004-EP, Issue of February 16, 2022. The emergency rule will expire August 22, 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, Albany, NY 12209, (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 amends Title 14 NYCRR Section 686.16 in order to authorize the Commissioner to determine overall capacity of Individualized Residential Alternatives (IRAs) operating throughout the state when there are exigent circumstances.

3. Needs and benefits: The proposed regulation amends Title 14 NYCRR Section 686.16 to authorize the Commissioner to exceed capacity levels at individualized residential alternatives (IRAs) that are certified or operated by OPWDD in cases of exigent circumstances. 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 need of services as well as staffing shortages. OPWDD as management over these IRAs could concentrate staff and individuals in one location rather than multiple locations that would require separate minimum staffing levels. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards. Given the rise in COVID cases throughout the pandemic OPWDD has had challenges meeting minimum staffing requirements for the many locations certified or operated across the state.

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. Additionally, there may be cost savings if multiple locations are condensed into fewer IRAs.

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation authorizes the Commissioner to increase the number of individuals at a particular IRA when there are exigent circumstances. 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 pe-

riod 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 amends Title 14 NYCRR Section 686.16 which applies to all providers operating individualized residential alternatives (IRAs) certified, authorized, approved, or operated by OPWDD. This regulation authorizes the Commissioner to determine overall capacity of Individualized Residential Alternatives (IRAs) operating throughout the state when there are exigent circumstances. This regulation is necessary to protect individuals receiving services at these facilities.

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 when staffing shortages prevent the ability to safely care for an individual receiving services. 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 amends Title 14 NYCRR Section 686.16 in order to authorize the Commissioner to determine overall capacity of Individualized Residential Alternatives (IRAs) operating throughout the state when there are exigent circumstances. The regulation will not result in an adverse impact on rural communities because the regulation applies to all IRAs 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 amends Title 14 NYCRR Section 686.16 in order to allow the Commissioner to increase the capacity at individualized residential alternatives (IRAs) where there are exigent circumstances. The regulation will not result in new compliance requirements for providers. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. The regulation is only to be used in exigent circumstances. Thus, 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.

EMERGENCY RULE MAKING

General Purpose

I.D. No. PDD-07-22-00005-E

Filing No. 467

Filing Date: 2022-06-24

Effective Date: 2022-06-24

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

Action taken: Amendment of section 686.3 of 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 amendment of section 14 NYCRR 686.3 that authorizes the issuance of operating certificates for supervised community residences, including

individualized residential alternatives with more than 14 individuals where there are emergent circumstances and upon approval of the Commissioner, is necessary to protect the health, safety, and welfare of individuals who receive these services. This regulation must be issued by emergency regulation to allow OPWDD the ability to move individuals into facilities with enough staff to take care of them appropriately. Given the increasing spread and transmissibility of COVID-19, OPWDD has had difficulties with meeting minimum staffing requirements. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards which includes safe and appropriate staffing of supervised community residences.

Subject: General Purpose.

Purpose: To increase IRA capacity in cases of emergent circumstances.

Text of emergency rule: Existing subparagraph 686.3(a)(5)(i) is amended to read as follows:

(i) A supervised community residence shall be issued an operating certificate for no more than 14 individuals, *except in emergent circumstances and upon approval of the commissioner*. The certified capacity shall not be exceeded without notification within 24 hours to OPWDD, at which time the conditions relative to the temporary increase in capacity shall be discussed and agreement reached.

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-07-22-00005-EP, Issue of February 16, 2022. The emergency rule will expire August 22, 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, 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 amends Title 14 NYCRR Section 686.3 in order to authorize supervised community residences to be issued an operating certificate for more than 14 individuals where emergent circumstances are present and upon approval from the Commissioner.

3. Needs and benefits: The proposed regulation amends Title 14 NYCRR Section 686.3 to authorize operating certificates to be issued for community residences, including individualized residential alternatives with more than 14 individuals where there are emergent circumstances and upon approval of the Commissioner. 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 need of services as well as staffing shortages. OPWDD's management over these residences could concentrate staff and individuals in one location rather than multiple locations that would require separate minimum staffing levels. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards. Given the rise in COVID cases throughout the pandemic OPWDD has had challenges meeting minimum staffing requirements for the many locations certified or operated across the state.

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. Additionally, there may be cost savings if multiple locations are condensed into fewer locations.

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation authorizes operating certificates for supervised community residences where there are emergent circumstances and upon approval of the Commissioner. 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 amends Title 14 NYCRR Section 686.3 in order to allow operating certificates to be issued for community residences, including individualized residential alternatives with more than 14 individuals where there are emergent circumstances and upon approval of the Commissioner. 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 when staffing shortages prevent the ability to safely care for an individual receiving services. 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 amends Title 14 NYCRR Section 686.3 in order to authorize the issuance of operating certificates for supervised community residences, including individualized residential alternatives with over 14 individuals when there are emergent circumstances and upon approval by the Commissioner. The regulation will not result in an adverse impact on rural communities because the regulation applies to all IRAs 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 amends Title 14 NYCRR Section 686.3 in order to allow operating certificates to be issued for community residences, including individualized residential alternatives with more than 14

individuals where there are emergent circumstances and upon approval of the Commissioner. The regulation will not result in new compliance requirements for providers. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. The regulation is only to be used in emergent circumstances. Thus, 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.

Public Service Commission

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Modify Lease of Utility Property

I.D. No. PSC-28-22-00007-EP

Filing Date: 2022-06-23

Effective Date: 2022-06-23

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

Proposed Action: The Commission adopted an order on June 24, 2022 authorizing Niagara Mohawk Power Corporation to enter into an amended lease agreement for the 765 kV transmission line from Volney to Marcy, New York.

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

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

Specific reasons underlying the finding of necessity: National Grid is seeking to extend the terms of the existing lease for the Volney-Marcy line from 2028 to 2044, the end of the expected useful life of the line, to take advantage of the currently historically low interest rates. Under the terms of the lease, Under the terms of the new agreement, the Company's annual rent will be reduced approximately \$772,000. Under the terms of the Extension Agreement, Upstate Transmission Holdings, LLC (UTH) can terminate the agreement if the Company has not secured the required approvals by June 25, 2022. At that time UTH can reassess the interest rate agreement.

Because the normal SAPA period for this proceeding does not expire before the by June 25, 2022 deadline, action must be taken on an emergency basis in order to ensure that National Grid's ratepayers receive the \$772,000 annual savings, which protects the public interest and well-being.

Subject: Modify lease of utility property.

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

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=22-E-0253&CaseSearch=Search>)

The Public Service Commission (Commission) is considering a petition filed on April 25, 2022 by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to extend and amend the lease of the 765 kV transmission line from Volney to Marcy, New York (Volney-Marcy line). National Grid updated its petition on June 23, 2022 requesting the authorization for the lease amendments be issued on an emergency basis as provided by State Administrative Procedure Act § 202(6).

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

of the new agreement, the Company's annual rent will be reduced approximately \$772,000.

According to the June filing, National Grid's ability to extend the lease under current favorable interest rates expires on June 30, 2022. In order to finalize the extension by that time, Commission authorization must be received no later than June 25, 2022. Under the terms of the Extension Agreement, Upstate Transmission Holdings, LLC (UTH) can terminate the agreement if the Company has not secured the required approvals by June 25, 2022. At that time UTH can reassess the interest rate agreement. National Grid states that if interest rates are reassessed, it is likely that most or all of the benefits to ratepayers will be lost. Given the potential harm to ratepayers due to the higher rent that will be paid, National Grid requests approval on an emergency basis.

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.

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 20, 2022.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Department of Public Service, 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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-E-0253EP2)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-52-21-00008-A

Filing Date: 2022-06-22

Effective Date: 2022-06-22

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

Action taken: On 6/16/22, the PSC adopted an order approving 595 Dean LLC's (595 Dean) notice of intent to submeter electricity at 595 Dean Street, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 595 Dean's notice of intent to submeter electricity.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving 595 Dean LLC's notice of intent to submeter electricity at 595 Dean Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

Text or summary was published in the December 29, 2021 issue of the Register, I.D. No. PSC-52-21-00008-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.

(21-E-0533SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-01-22-00012-A

Filing Date: 2022-06-22

Effective Date: 2022-06-22

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

Action taken: On 6/16/22, the PSC adopted an order approving GO Broome LLC's (GO Broome) notice of intent to submeter electricity at 55 Suffolk Street, New York, New York, and waiver request of the energy requirements of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve GO Broome's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving GO Broome LLC's notice of intent to submeter electricity at 55 Suffolk Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and a waiver request of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

Text or summary was published in the January 5, 2022 issue of the Register, I.D. No. PSC-01-22-00012-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.

(21-E-0544SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-01-22-00016-A

Filing Date: 2022-06-22

Effective Date: 2022-06-22

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

Action taken: On 6/16/22, the PSC adopted an order approving 539 Vanderbilt Partners LLC's (539 Vanderbilt) notice of intent to submeter electricity at 539 Vanderbilt Avenue, Brooklyn, New York, and waiver request of the energy requirements of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve 539 Vanderbilt's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving 539 Vanderbilt Partners LLC's notice of intent to submeter electricity at 539 Vanderbilt Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and a waiver request of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

Text or summary was published in the January 5, 2022 issue of the Register, I.D. No. PSC-01-22-00016-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-0555SA1)

NOTICE OF ADOPTION**Submetering of Electricity and Waiver Request**

I.D. No. PSC-07-22-00009-A

Filing Date: 2022-06-22

Effective Date: 2022-06-22

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

Action taken: On 6/16/22, the PSC adopted an order approving Midtown Parcel 2 Ground LLC's (Midtown Parcel) notice of intent to submeter electricity at 260 East Broad Street, Rochester, New York, and waiver request of the energy requirements of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve Midtown Parcel's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving Midtown Parcel 2 Ground LLC's notice of intent to submeter electricity at 260 East Broad Street, Rochester, New York, located in the service territory of Rochester Gas and Electric Corporation, and a waiver request of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

Text or summary was published in the February 16, 2022 issue of the Register, I.D. No. PSC-07-22-00009-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. (22-E-0059SA1)

NOTICE OF ADOPTION**Submetering of Electricity and Waiver Request**

I.D. No. PSC-10-22-00011-A

Filing Date: 2022-06-22

Effective Date: 2022-06-22

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

Action taken: On 6/16/22, the PSC adopted an order approving Peninsula Building 1B LLC's (Peninsula) notice of intent to submeter electricity at 720 Tiffany Street, Bronx, New York, and waiver request of the energy requirements of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve Peninsula's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving Peninsula Building 1B LLC's notice of intent to submeter electricity at 720 Tiffany Street, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and a waiver request of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), 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-10-22-00011-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. (22-E-0074SA1)

NOTICE OF ADOPTION**Transfer of Street Lighting Facilities**

I.D. No. PSC-10-22-00012-A

Filing Date: 2022-06-22

Effective Date: 2022-06-22

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

Action taken: On 6/16/22, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition to transfer street lighting facilities located within the Village of Fort Plain (Fort Plain) to Fort Plain.

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

Subject: Transfer of street lighting facilities.

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

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

Text or summary was published in the March 9, 2022 issue of the Register, I.D. No. PSC-10-22-00012-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-E-0079SA1)

NOTICE OF ADOPTION**Petition for Waiver of Individual Metering Requirements in 16 NYCRR**

I.D. No. PSC-13-22-00010-A

Filing Date: 2022-06-22

Effective Date: 2022-06-22

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

Action taken: On 6/16/22, the PSC adopted an order approving Buffalo Neighborhood Stabilization Company, Inc.'s (Buffalo Neighborhood) petition for a waiver of individual metering requirements found in 16 NYCRR Part 96 for multiple locations in Buffalo, New York.

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

Subject: Petition for waiver of individual metering requirements in 16 NYCRR.

Purpose: To approve Buffalo Neighborhood's petition for a waiver of individual metering requirements.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving Buffalo Neighborhood Stabilization Company, Inc.'s (Buffalo Neighborhood) petition for a waiver of individual metering requirements found in 16 NYCRR Part 96 for 625 West Avenue, 146 Rhode Island Street, 297 Parkdale Avenue, 301 Parkdale Avenue, and 225 West Delavan Avenue, Buffalo, New York (collectively, West Side Homes). This waiver is expressly conditioned on the continued use of the building as a residence for the provision of services for residents of Buffalo Neighborhood's West Side Homes as described in the body of the order. This waiver shall terminate if the building is put to a different use. Buffalo Neighborhood shall within 60 days of the date of the order, certify in writing to the Secretary to the Commission, that it accepts the above condition for the continued use of the building for waiver of the individual metering requirements, 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-13-22-00010-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.

(22-E-0073SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-14-22-00007-A

Filing Date: 2022-06-22

Effective Date: 2022-06-22

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

Action taken: On 6/16/22, the PSC adopted an order approving 125 W 125th Street Residential Owner LLC's (125 W 125th) notice of intent to submeter electricity at 121 West 125th Street, New York, NY, and waiver request of the energy requirements of 16 NYCRR section 96.5(k)(3).

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

Subject: Submetering of electricity and waiver request.

Purpose: To approve 125 W 125th's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on June 16, 2022, adopted an order approving 125 W 125th Street Residential Owner LLC's notice of intent to submeter electricity at 121 West 125th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and a waiver request of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

Text or summary was published in the April 6, 2022 issue of the Register, I.D. No. PSC-14-22-00007-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-E-0120SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Real Property

I.D. No. PSC-28-22-00012-P

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

Proposed Action: The Commission is considering a petition filed by KeySpan East Gas Corporation d/b/a National Grid requesting authorization for the transfer of certain real property located at 87 Community Road, Bay Shore, New York to Michael Murtha.

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

Subject: Transfer of real property.

Purpose: To determine whether to authorize the transfer of real property.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on June 8, 2022 by KeySpan Gas East Corporation d/b/a National Grid (KEDLI or the Company), requesting to transfer certain real property located at 87 Community Road, Bay Shore, New York (Property) to Michael Murtha (Purchaser).

The Property consists of approximately 0.34 acres of land, identified in the Suffolk County Tax Map as District 0500, Section 392.00, Block 01.00 Lot 012.000. KEDLI requests the Commission's approval of the transaction pursuant to Public Service Law § 70, as the original cost of the proposed assets to be transferred is greater than \$100,000.

The Company represents the original book cost of the property is approximately \$543,641 with a net book value of zero dollars, as of June 2010. The Company proposes to sell the property to the Purchaser for \$300,000. The Company states that the proposed transfer is in the public interest due to the following reasons: (1) the Company used a competitive bidding process to market the property and ensure that the purchase price of the Property would reflect its fair market value; (2) the proposed transfer will financially benefit its customers since the net proceeds will be applied to the historical environmental cost deferral account; and (3) the transfer will not affect the Company's ability to provide safe, reliable, and adequate gas service to customers in the immediate vicinity of the Property and throughout the Company's service territory.

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

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

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

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

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

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

(22-G-0349SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Tariff Modifications to Create a New Surcredit and Housekeeping Changes

I.D. No. PSC-28-22-00013-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 proposed tariff amendments filed by National Fuel Gas Distribution Corporation to modify P.S.C. No. 9 — Gas to create a Pension and Other Post-Employment Benefits (OPEB) Surcredit and other housekeeping changes.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff modifications to create a new surcredit and housekeeping changes.

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

Substance of proposed rule: The Commission is considering proposed tariff amendments filed by National Fuel Gas Distribution Corporation

(NFG) to amend its gas tariff schedule, P.S.C. No. 9 – Gas. NFG proposes to create a Pension and Other Post-Employment (OPEB) surcredit (Surcredit) as well as other housekeeping changes. The proposed amendments have an effective date of October 1, 2022.

NFG proposes this new Surcredit to pass back approximately \$14,994,000 collected annually in base rates for pension and OEPB expense established in the Commission's Order Establishing Rates for Gas Service, issued in Case 16-G-0257 on April 20, 2017. NFG is subject to the Commission's Pension Policy Statement, under which it must account for all pension and OPEB expenses by deferring any difference between actual pension and OPEB expenses and the amount allowed to be recovered through rates. At present, NFG is over-collecting pension and OPEB expense and deferring the amounts as a regulatory liability. The Surcredit will remain in effect until modified by the Commission or until December 31, 2024, whichever is earlier.

The first housekeeping revision clarifies that a surcharge calculated on the basis of an equal percentage of transportation charges for all applicable service classifications shall be deferred for ratepayer benefit for the Partnership to Revitalize the Industrial Manufacturing Economy of Western New York participants for contracts executed between December 1, 2018, and November 30, 2024. The second housekeeping revision removes reference to the PSC Audits and Assessment Charge as a reconcilable item within the Company's Delivery Adjustment Clause as, the PSC Audits and Assessment Charge is no longer reconcilable. The third housekeeping revision reflects that the Community Choice Aggregation tariff is set forth in General Rules, Regulations, Terms, and conditions at II.52, instead of II.53.

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

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

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

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

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

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

(22-G-0364SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

A Debt Financing Arrangement with Respect to an Electric Transmission Line Under Development

I.D. No. PSC-28-22-00014-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 CHPE LLC and CHPE Properties, Inc. requesting authorization to issue debt financing pursuant to Section 69 of the Public Service Law.

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

Subject: A debt financing arrangement with respect to an electric transmission line under development.

Purpose: To review the proposed financing and consider whether it is within the public interest.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed on June 21, 2022 by CHPE LLC and CHPE Properties, Inc. (collectively, Joint Petitioners) requesting to increase authorized indebtedness from \$4.5 billion to \$6.0 billion.

The type of debt financing may take the form of bank loans, bonds,

or other financial instruments. The Joint Petitioners plan to undertake the Champlain Hudson Power Express electric transmission project from Canada to New York City (the Project), which the Commission approved in Case 10-T-0139 on April 18, 2013. The proceeds of the financing would be used primarily to fund construction of the Project, which would be developed, financed, constructed, and operated on a merchant basis. Accordingly, the Joint Petitioners assert that there would be no adverse effect on captive retail customers requiring the protection of the Commission's rate regulation and it would be appropriate to apply the reduced scrutiny that the Commission has applied to similar entities that are lightly regulated. Furthermore, the Joint Petitioners request flexibility to modify, without prior approval, the identity of the financing entities, payment terms, and the amount financed, so long as it does not exceed the maximum amount.

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

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

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

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

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

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

(20-E-0598SP2)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Conditions for Mitigating Potential Vertical Market Power Risk

I.D. No. PSC-28-22-00015-P

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

Proposed Action: The Commission is considering a petition by Helix Generation, LLC for reconsideration of the Commission's April 19, 2017 Order Approving Transfer Subject to Acceptance of Conditions and Making Other Findings.

Statutory authority: Public Service Law, sections 2(13), (22), (23), 5(1)(b), 64, 65, 66, 78, 79, 80, 105-108 and 110-111

Subject: Conditions for mitigating potential vertical market power risk.

Purpose: To reconsider conditions imposed on the ownership of transmission and generation assets to mitigate vertical market power risk.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering a petition filed on May 26, 2022 by Helix Generation, LLC (Helix) for reconsideration of the Commission's April 19, 2017 Order Approving Transfer Subject to Acceptance of Conditions and Making Other Findings (Order).

In the Order, the Commission found a significant potential risk of vertical market power associated with a requested transfer of the Ravenswood Generating Station in Queens, New York (the Facility) to Helix and the potential development of certain transmission assets by Helix affiliates pursuant to two New York Independent System Operator, Inc. (NYISO) solicitations. Therefore, the Commission established various divestiture and associated posting provisions (the Provisions) as conditions to authorizing the transfer of the Facility to Helix, in order to mitigate the potential exercise of vertical market power.

Helix asserts that circumstances have changed since 2017 that warrant the elimination of the Provisions. Specifically, Helix argues that following issuance of the Order, the NYISO selected Helix's affiliates, jointly with the New York Power Authority, to develop only one por-

tion of one of the transmission lines, and that transmission line segment is electrically and physically distant from New York City. Helix also maintains that State actions have further driven unit retirements at the Facility, and have resulted in a lower capacity factor and changes in the Facility's operating characteristics to eliminate any incentive to exercise market power. Accordingly, Helix argues that there are no longer any opportunities to exercise vertical market power, and the Provisions should therefore be eliminated in their entirety. In the alternative, Helix argues that even if the Commission finds some opportunity to exercise market power exists, adequate mitigation measures and substantial ratepayer benefits are available to address those concerns and warrant elimination of the Provisions.

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.

(17-E-0016SP2)

Department of State

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Definition of a “Qualifying 501(c)(4) Entity” for the Purposes of Part 146 of Title 19 of NYCRR

I.D. No. DOS-28-22-00009-P

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

Proposed Action: Amendment of section 146.1(f) of Title 19 NYCRR.

Statutory authority: Executive Law, sections 91, 172-e and 172-f

Subject: Definition of a “Qualifying 501(c)(4) entity” for the purposes of Part 146 of Title 19 of NYCRR.

Purpose: To correct a technical error regarding Charitable and Non-Charitable Non-Profit Organization Filings with this Department.

Text of proposed rule: Section 146.1(f) of Title 19 of NYCRR is amended to read as follows:

“Qualifying 501(c)(4) entity” means any corporation or entity that is qualified as an exempt organization or entity by the United States Department of the Treasury under 26 U.S.C. 501(c)(4) that is required to file a source of funding report with the Joint Commission on Public Ethics pursuant to sections one-h and one-j of the Legislative Law].

Text of proposed rule and any required statements and analyses may be obtained from: Laura Sprague, Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, (518) 473-2101, email: Laura.Sprague@dos.ny.gov

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

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

Regulatory Impact Statement

A Regulatory Impact Statement is unnecessary because this rulemaking involves only a technical amendment to correct an error that appears in the definition of a term. The correction of this error will conform the definition of a qualifying entity to ensure that the intention of paragraph (a) of

subdivision 1 of section 172-f of the Executive Law is met, as was the regulatory intent. Currently, the definition of “qualifying entity,” which includes covered entities as defined in paragraph (a) of subdivision 1 of section 172-f of the Executive Law, appears to be limited to organizations that are required to file a source of funding report with the Joint Commission on Public Ethics. In fact, this limitation should apply only to recipient entities as defined in paragraph (d) of subdivision 1 of section 172-e of the Executive Law. Removal of this limitation from the definition of “qualifying entity” will conform this term with the applicable statutory definition. As such, this amendment is exempt from the requirements of section 202-a of the State Administrative Procedure Act.

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is unnecessary because this rulemaking involves only a technical amendment to correct an error that appears in the definition of a term. The correction of this error will conform the definition of a qualifying entity to ensure that the intention of paragraph (a) of subdivision 1 of section 172-f of the Executive Law is met, as was the regulatory intent. Currently, the definition of “qualifying entity,” which includes covered entities as defined in paragraph (a) of subdivision 1 of section 172-f of the Executive Law, appears to be limited to organizations that are required to file a source of funding report with the Joint Commission on Public Ethics. In fact, this limitation should apply only to recipient entities as defined in paragraph (d) of subdivision 1 of section 172-e of the Executive Law. Removal of this limitation from the definition of “qualifying entity” will conform this term with the applicable statutory definition. Thus, as apparent from the nature and purpose of this rule, it will impose neither an adverse impact on small businesses or local governments, nor on reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is unnecessary because this rulemaking involves only a technical amendment to correct an error that appears in the definition of a term. The correction of this error will conform the definition of a qualifying entity to ensure that the intention of paragraph (a) of subdivision 1 of section 172-f of the Executive Law is met, as was the regulatory intent. Currently, the definition of “qualifying entity,” which includes covered entities as defined in paragraph (a) of subdivision 1 of section 172-f of the Executive Law, appears to be limited to organizations that are required to file a source of funding report with the Joint Commission on Public Ethics. In fact, this limitation should apply only to recipient entities as defined in paragraph (d) of subdivision 1 of section 172-e of the Executive Law. Removal of this limitation from the definition of “qualifying entity” will conform this term with the applicable statutory definition. Thus, as apparent from the nature and purpose of this rule, it will impose neither an adverse impact on rural areas, nor on reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

Job Impact Statement

A Job Impact Statement is unnecessary because this rulemaking involves only a technical amendment to correct an error that appears in the definition of a term. The correction of this error will conform the definition of a qualifying entity to ensure that the intention of paragraph (a) of subdivision 1 of section 172-f of the Executive Law is met, as was the regulatory intent. Currently, the definition of “qualifying entity,” which includes covered entities as defined in paragraph (a) of subdivision 1 of section 172-f of the Executive Law, appears to be limited to organizations that are required to file a source of funding report with the Joint Commission on Public Ethics. In fact, this limitation should apply only to recipient entities as defined in paragraph (d) of subdivision 1 of section 172-e of the Executive Law. Removal of this limitation from the definition of “qualifying entity” will conform this term with the applicable statutory definition. Thus, as apparent from the nature and purpose of this rule, it will not have a substantial adverse impact on jobs and employment opportunities.

**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	<p>Teleconference—August 25, 2022, 11:00 a.m. The telephone number to call in is (518) 549-0500 and the access code is 37265540.</p>
Environmental Conservation, Department of		
ENV-20-22-00003-P	Solid waste management regulations	<p>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</p> <p>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.</p> <p>The department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than 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</p>
ENV-23-22-00007-P	Prohibition of glyphosate use by State departments, State agencies, and public benefit corporations on State property	<p>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</p> <p>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.</p>

The department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than 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

Electronic Webinar—September 13, 2022, 1:00 p.m.

Electronic Webinar—September 13, 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 6 NYCRR Part 199 by July 13, 2022. The proposed regulations webpage for 6 NYCRR Part 199 may be accessed at: <https://www.dec.ny.gov/regulations/proprotegrulations.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 199 public comment period.

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 23, 2022. The written request must be addressed to ALJ Richard Sherman, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or e-mailed to ALJ Sherman at ohms@dec.ny.gov.

ENV-28-22-00011-P Forest Tax Law

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
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AGRICULTURE AND MARKETS, DEPARTMENT OF

*AAM-23-21-00001-P	07/07/22	Regulated commodity labeling, packaging and method of sale requirements	Amend packaging, labeling & method of sale requirements for various commodities to align with industry & federal standards
AAM-24-22-00002-P	06/15/23	Voluntary Program for the Production of Virus-Tested Plant Materials	To implement procedures to better enable certification and sale of virus-tested materials
AAM-24-22-00012-P	08/25/23	Holding and movement of captive cervids	To ensure that captive cervids are held and moved in a manner designed to prevent disease and to be properly treated if disease
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
ASA-11-22-00005-P	03/16/23	Substance use disorder withdrawal and stabilization services	Requirements for providers of substance use disorder withdrawal and stabilization services
ASA-11-22-00006-P	03/16/23	Residential services	Requirements for the delivery of residential services

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF			
ASA-11-22-00007-P	03/16/23	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS	General provisions applicable to all programs certified, funded or otherwise authorized by OASAS
ASA-11-22-00008-P	03/16/23	Substance use disorder residential rehabilitation services for youth	To establish standards for substance use disorder residential rehabilitation services for youth
ASA-11-22-00009-P	03/16/23	Substance use disorder inpatient rehabilitation	Requirements for substance use disorder inpatient rehabilitation services
ASA-11-22-00010-P	03/16/23	General service standards for substance use disorder outpatient programs	General service standards for substance use disorder outpatient programs
ASA-11-22-00011-P	03/16/23	Incident reporting in oasas certified, licensed, funded, or operated services	Incident reporting in oasas certified, licensed, funded, or operated services
ASA-12-22-00005-P	03/23/23	Designated Services	To add new Adolescent Program Endorsement and new Ancillary Withdrawal Designation
AUDIT AND CONTROL, DEPARTMENT OF			
AAC-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
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs	To establish minimum standards to control the spread of COVID-19 at residential congregate programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-18-22-00008-P	05/04/23	Expanded eligibility for child care assistance	To expand eligibility for child care assistance in accordance with Social Services Law 410-w
CFS-23-22-00003-P	06/08/23	Exclusion of certain pre-K and kindergarten child day care providers from the definition of "child day care"	To exclude certain pre-K and kindergarten programs operated by public school districts from the definition of "child day care"
CIVIL SERVICE, DEPARTMENT OF			
CVS-01-22-00019-P	01/05/23	Family Sick Leave	To increase amount of annual family sick leave from fifteen (15) to twenty-five (25) days for eligible M/C employees
CVS-01-22-00020-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-22-00021-P	01/05/23	Jurisdictional Classification	To classify positions in the exemp class and to classify a subheading and positions in the non-competitive class
CVS-01-22-00022-P	01/05/23	Jurisdictional Classification	To delete a position from and classify a position in the non-competitive class
CVS-01-22-00023-P	01/05/23	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-01-22-00024-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-22-00025-P	01/05/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00001-P	02/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-06-22-00002-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00003-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-22-00004-P	02/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-22-00005-P	02/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-06-22-00006-P	02/09/23	Jurisdictional Classification	To delete a position and to classify a position in the exempt class and to classify positions in the non-competitive class
CVS-06-22-00007-P	02/09/23	Jurisdictional Classification	To delete a position from and to add a subheading and classify positions in the non-competitive class
CVS-06-22-00008-P	02/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-09-22-00001-P	03/02/23	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2022
CVS-10-22-00001-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-10-22-00002-P	03/09/23	Jurisdictional Classification	To classify positions in the exempt class

Action Pending Index**NYS Register/July 13, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-10-22-00003-P	03/09/23	Jurisdictional Classification	To delete a position from the non-competitive class
CVS-10-22-00004-P	03/09/23	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-10-22-00005-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-22-00006-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-10-22-00007-P	03/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-10-22-00008-P	03/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-22-00015-P	03/30/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-22-00016-P	03/30/23	Jurisdictional Classification	To delete a position from and to classify a position in the exempt class
CVS-13-22-00017-P	03/30/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-22-00018-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-22-00019-P	03/30/23	Jurisdictional Classification	To add a subheading and classify positions in the non-competitive class
CVS-13-22-00020-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class and to classify a position in the non-competitive class
CVS-13-22-00021-P	03/30/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-22-00022-P	03/30/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00001-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00002-P	05/11/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-19-22-00003-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00004-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00005-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00006-P	05/11/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-19-22-00007-P	05/11/23	Jurisdictional Classification	To delete a position from the exempt class and to delete positions from and classify positions in the non-competitive class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-19-22-00008-P	05/11/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-19-22-00009-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00010-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00011-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-19-22-00012-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00013-P	05/11/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-19-22-00014-P	05/11/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-19-22-00015-P	05/11/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-22-00008-P	06/08/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-23-22-00009-P	06/08/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-22-00010-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00011-P	06/08/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-22-00012-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00013-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00014-P	06/08/23	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-23-22-00015-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00016-P	06/08/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-22-00017-P	06/08/23	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-23-22-00018-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00019-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00020-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-22-00001-P	07/13/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-22-00002-P	07/13/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-28-22-00003-P	07/13/23	Jurisdictional Classification	To classify a position in the exempt class.

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CIVIL SERVICE, DEPARTMENT OF			
CVS-28-22-00004-P	07/13/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-22-00005-P	07/13/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-22-00006-P	07/13/23	Jurisdictional Classification	To classify positions in the exempt class and to classify a position in the non-competitive class
CORRECTION, STATE COMMISSION OF			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
CMC-15-22-00007-EP	04/13/23	Segregated confinement	Set minimum standards for the imposition of segregated confinement and the operation of RRUs in jails
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-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

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EDUCATION DEPARTMENT			
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
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

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EDUCATION DEPARTMENT			
EDU-22-22-00007-P	06/01/23	Unprofessional Conduct in the practice of veterinary medicine	To establish unprofessional conduct for multi veterinarian and solo veterinarian practices
EDU-22-22-00008-P	06/01/23	Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction)	To provide clarity as to the circumstances under which homebound instruction may be requested and delivered
EDU-22-22-00009-P	06/01/23	Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act	To implement the Dominic Murray Sudden Cardiac Arrest Prevention Act
EDU-22-22-00010-EP	06/01/23	Special appeal to earn diplomas with a lower score on a Regents examination in the 2021-22 or 2022-23 school years	To permit students to appeal a lower score on a Regents examination in the 2021-22 or 2022-23 school 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

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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
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
ENV-28-22-00010-EP	07/13/23	Sanitary Condition of Shellfish Lands	To reclassify underwater shellfish lands to protect public health and general welfare.

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ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-28-22-00011-P	09/13/23	Forest Tax Law	Improving and sustainably managing New York's forest resources and lessening the administrative burden on participants/DEC staff
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-42-21-00011-P	10/20/22	Disclosure requirements for certain providers of commercial financing transactions	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses
DFS-47-21-00006-P	11/24/22	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To hold insurers, plans and HMOs responsible for inaccurate provider directory information and replies to insureds' inquiries
DFS-50-21-00016-P	12/15/22	Debt Collection by Third-Party Debt Collectors and Debt Buyers	To clarify and modify standards for debt collection practices in New York
DFS-11-22-00001-P	03/16/23	Separate Accounts and Separate Account Contracts	To establish standards for separate accounts and separate account contracts
DFS-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

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GENERAL SERVICES, OFFICE OF			
GNS-19-22-00026-P	05/11/23	Charitable Contributions Thru State Employees Federated Appeals	To reflect efficiencies offered by modern business processes
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-46-21-00005-P	11/17/22	Nursing Home Minimum Direct Resident Care Spending	Every RHCf shall spend a minimum of 70% of revenue on direct resident care and 40% of revenue on resident-facing staffing
HLT-46-21-00007-P	11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes
HLT-50-21-00002-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

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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
LABOR, DEPARTMENT OF			
LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations
LAW, DEPARTMENT OF			
LAW-49-21-00016-P	12/08/22	Charities regulatory framework and the use of gendered pronouns therein	Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their"
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-17-22-00011-P	..... 06/27/23	Access to records and fees collected under the Freedom of Information Law	To make necessary technical updates and to conform with FOIL regarding collection of fees
LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
LPA-17-22-00013-P	..... exempt	Time-of-use rate options for commercial customers	To offer a new TOU rate option for commercial customers that is aligned with industry best practices
LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-17-22-00015-P	..... exempt	The start date of LIPA's smart meter opt-out fee	To update the start date of the smart meter opt-out fee due to early completion of the smart meter rollout
MEDICAID INSPECTOR GENERAL, OFFICE OF			
MED-28-22-00016-P	..... 07/13/23	Medicaid Program Fraud, Waste and Abuse Prevention	To establish requirements for providers to detect and prevent fraud, waste and abuse in the Medicaid Program.
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 & its 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

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NIAGARA FALLS WATER BOARD			
*NFW-13-14-00006-EP exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	..... 12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-37-21-00001-P	..... 09/15/22	Certified Residential Opportunities	To provide equity in opportunities for certified residential opportunities
PDD-40-21-00002-EP	..... 10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health
PDD-43-21-00003-ERP	..... 10/27/22	COVID-19 vaccines	To require vaccinations in certain OPWDD settings
PDD-07-22-00004-EP	..... 02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	..... 02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-10-22-00010-EP	..... 03/09/23	Training Flexibilities	To provide flexibility in training requirements
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
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*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 andthe Customer Trouble Report Rate levels at certain central office entities

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator
*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

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards	To consider revisions to the Commission's Electric Safety Standards
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients	Whether to expand Con Edison's low income program to include Medicaid recipients
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018	To extend the time period between the Companies' third-party assessments of customer personally identifiable information
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-21-00016-P	..... exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement
*PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-16-21-00007-P	..... exempt	Accounting-related rules for utilities implementing the Integrated Energy Data Resource	To consider cost recovery of capital expenditures and budget allocations of costs between affiliated companies
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs	To modify and improve Community Choice Aggregation programs in New York State
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-52-21-00009-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-01-22-00013-P	..... exempt	Interconnection costs	To consider a petition requesting relief from interconnection costs assigned by the interconnecting utility
PSC-01-22-00015-P	..... exempt	Petition to enter into a lease agreement and impose a surcharge	To consider entry into a lease agreement and to impose a surcharge
PSC-01-22-00017-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
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-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-10-22-00014-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
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-13-22-00011-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-14-22-00008-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-15-22-00005-P	..... exempt	Transfer of street lighting facilities	To consider the transfer of street lighting facilities to the Town of Wallkill
PSC-16-22-00007-P	..... exempt	Transfer of street lighting facilities	To consider the transfer of street lighting facilities to the Town of Sand Lake
PSC-17-22-00001-P	..... exempt	Review of proposed modifications/ adjustments to RDMs	To clarify and correct Central Hudson's RDM for certain service classifications
PSC-17-22-00002-P	..... exempt	Notice of intent to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-17-22-00003-P	..... exempt	A debt financing arrangement with respect to a proposed solar generating facility	To consider the requested financing arrangement and what regulatory conditions should apply
PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
PSC-18-22-00003-P	..... exempt	Adjustments to the the Revenue Decoupling Mechanisms	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-20-22-00005-P	..... exempt	Proposed tariff amendment to eliminate references to mercury vapor lamps and to add LED lamps	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-20-22-00006-P	..... exempt	Electric metering equipment	To consider use of electric meter and ensure that consumer bills will be based on accurate measurements of electric usage
PSC-20-22-00007-P	..... exempt	A debt financing arrangement with respect to a proposed electric transmission project	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply
PSC-20-22-00008-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-22-00009-P	..... exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
PSC-20-22-00010-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-22-22-00013-P	..... exempt	National Grid' s proposed gas demand response program	To determine if National Grid's proposed gas demand response program is in the public interest
PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
PSC-22-22-00015-P	..... exempt	Proposal to make an adjustment to its URD surcharge	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-22-22-00017-P	..... 06/01/23	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-23-22-00022-P	..... exempt	Transfer of Arbor Hills' assets and a rate proposal regarding investments made by Liberty in the Arbor Hills system	To determine if the transfer of Arbor Hills' assets and a rate proposal is in the public interest
PSC-23-22-00023-P	..... exempt	16 NYCRR Article VII waiver	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
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
PSC-28-22-00007-EP	..... 07/13/23	Modify lease of utility property.	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line.
PSC-28-22-00012-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property.
PSC-28-22-00013-P	..... exempt	Tariff modifications to create a new surcredit and housekeeping changes.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-28-22-00014-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-28-22-00015-P	..... exempt	Conditions for mitigating potential vertical market power risk.	To reconsider conditions imposed on the ownership of transmission and generation assets to mitigate vertical market power risk.
STATE, DEPARTMENT OF			
DOS-28-22-00009-P	..... 07/13/23	Definition of a "Qualifying 501(c)(4) entity" for the purposes of Part 146 of Title 19 of NYCRR	To correct a technical error regarding Charitable and Non-Charitable Non-Profit Organization Filings with this Department
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
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
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

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

AWE Auburn Hills Investor LLC
226 Fifth Ave., 2nd Fl., New York, NY 10001
Partnership — Delaware

Bluebonnet SPV 1 LLC
5656 Bee Caves Rd., Suite F-201, Austin, TX 78746
State or country in which incorporated — Texas

Bonavia at Withers Farm, LLC
751 Arbor Way, Suite 210, Blue Bell, PA 19422
State or country in which incorporated — Kansas

Boom Pay, Inc.
32 Kirkwood Dr., Glen Cove, NY 11542
State or country in which incorporated — Delaware

Chamblee Duplexes, LLC
4609 Pendleton Ave., Greeley, CO 80634
State or country in which incorporated — Georgia

Danone S.A.
17 Blvd., Haussmann, Paris, France 75009
State or country in which incorporated — France

Dixon Mitchell Investment Counsel Inc.
Suite 1680, 1055 W. Hastings St., Vancouver, British Columbia, V6E
2E9
State or country in which incorporated — Canada

dope.security inc.
403 Magritte Way, Mountain View, CA 94041
State or country in which incorporated — Delaware

EO Hilliard, LP
13871 CR 1567, Ada, OK 74820
State or country in which incorporated — Florida

ERC Communities 1, Inc.
2738 Falkenburg Rd. S, Riverview, FL 33578
State or country in which incorporated — Delaware

Euroapi
15 rue Traversiere 75012 Paris, France
State or country in which incorporated — France

FarmTogether Goldenrod, LLC
624 S. Denver Ave., Suite 300A, Tulsa, OK 74119
State or country in which incorporated — Oklahoma

Global One Real Estate Fund III L.P.
1307 Whitehorse Rd., Suite D Voorhees, NJ 08043
State or country in which incorporated — Delaware

Hudson Valley PF II Feeder REIT, LLC
200 Vesey St., 24th Fl., New York, NY 10281
State or country in which incorporated — Delaware limited liability
company

Marcus Capital Partners Fund IV, L.P.
260 Franklin Rd., Suite 620, Boston, MA 02110
Partnership — MCPFIV GP, LLC

ND Capital Fund 5, L.P.
2310 Washington St., Newton Lower Falls, MA 02462
Partnership — ND Capital GP 5 LLC

ND Capital Institutional Fund 5, L.P.
2310 Washington St., Newton Lower Falls, MA 02462
Partnership — ND Capital GP 5 LLC

Oak Run & Independence, LLC
35216 Noel Place, Fremont, CA 94536
State or country in which incorporated — Texas

Promontory Therapeutics Inc.
1350 Avenue of the Americas, 23rd Fl., New York, NY 10019
State or country in which incorporated — Delaware

Sanctuary Broadway Multifamily, LLC
1883 W. Royal Hunte Dr., Suite 200-A, Cedar City, UT 84720
State or country in which incorporated — Wyoming

Sourcelink Software, Inc.
690 Market St., Unit 502, San Francisco, CA 94104
State or country in which incorporated — Delaware

Vizconnect, Inc.
91 Auburn St., Suite J, #269, Portland, ME 04103
State or country in which incorporated — Nevada

Zicix Corporation
215 W. Bandera Rd., #114-459, Boerne, TX 78006
State or country in which incorporated — Nevada

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE FEEDER

Mid-State Correctional Facility
Marcy, Oneida County

Sealed bids for Project No. M3136-C, comprising a contract for Electrical Work, Replace Feeder, Recreation Yard, Mid-State Correctional Facility, 9005 Old River Road, Marcy (Oneida County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, August 3, 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 \$20,500 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 E.

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

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

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

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

The substantial completion date for this project is 220 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 21, 2022 at Marcy Field Office, 6325 State Route 29, Marcy, 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 Michael Cook (315-736-5770 ext. 306) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). 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 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 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 REPAIRS
State Armory
Orangeburg, Rockland County**

Sealed bids for Project No. 46160-C, comprising a contract for Construction Work, Provide Masonry Repairs, State Armory, 84 Old Orangeburg Road, Orangeburg (Rockland 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 20, 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 \$24,000 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.

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

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

The substantial completion date for this project is 400 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 July 12, 2022, at 84 Old Orangeburg Road, Orangeburg, NY 10962. 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 Cheryl Chasin, (845-365-0730) 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

**REHABILITATE
RESTROOMS
State Armory
Geneseo, Livingston County**

Sealed bids for Project Nos. 47184-C, 47184-H, 47184-P and 47184-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Restrooms, State Armory, 34 Avon Road, Geneseo (Livingston 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 20, 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 \$ 25,300 for C, \$6,100 for H, \$16,200 for P, and \$13,900 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 \$500,000 and \$1,000,000 for C, between \$50,000 and \$100,000 for H, between \$100,000 and \$250,000 for P, and between \$100,000 and \$250,000 for E.

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

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

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

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

The substantial completion date for this project is 428 days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on July 11, 2022, at State Armory, 34 Avon Road Geneseo, NY 14454. 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 Dan Sharlow (585-313-7955) 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) 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 Plumbing Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for 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 E trade contractor, 0% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an

e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

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

MUNICIPALITIES OF NEW YORK STATE

New York State Water Infrastructure Improvement Act Grants and New York State Intermunicipal Water Infrastructure Grants Program

The New York State Environmental Facilities Corporation (EFC) is pleased to announce the availability of \$225 million in grant funding through the New York State Water Infrastructure Improvement Act and New York State Intermunicipal Water Infrastructure Grants Program.

This funding is for municipalities with infrastructure projects that protect or improve public health and/or water quality. Grant eligible critical water infrastructure projects include those that combat emerging contaminants such as PFOA, PFOS and 1,4 dioxane with system upgrades and innovative pilot technologies, along with those that address combined and/or sanitary sewer overflow impacts from sustained rain events.

New York State Water Infrastructure Improvement Act (WIIA)

Pursuant to WIIA, EFC provides grants to assist municipalities in funding infrastructure projects for the protection of public health and water quality. WIIA grants will be awarded to water quality infrastructure projects for the replacement or repair of infrastructure or for compliance with environmental and public health laws and regulations related to water quality. EFC will evaluate projects based on factors including protection of public health and water quality; median household income; governmental and community support; consideration for Environmental Justice Areas; and readiness of the project to proceed expeditiously.

New York State Intermunicipal Water Infrastructure Grants Program (IMG)

Pursuant to the IMG, EFC will provide grants for infrastructure projects to be undertaken by two or more cooperating municipalities. IMG funding will be awarded for construction, replacement or repair of a drinking water or sewage treatment infrastructure project that serves multiple municipalities, such as shared water quality infrastructure that protects public health, the environment, or results in compliance with environmental and public health laws and regulations related to water quality.

EFC will evaluate projects based on factors including protection of public health and water quality; governmental and community support; consideration for Environmental Justice Areas; and the readiness of the project to proceed expeditiously. To be eligible to apply for a grant, cooperating municipalities must have a valid and binding Intermunicipal Agreement related to the financing of the project.

Background

EFC administers the Clean Water State Revolving Fund (CWSRF) and co-administers the Drinking Water State Revolving Fund (DWSRF) with the NYS Department of Health. The SRF Programs provide subsidized financial assistance to qualified municipalities to undertake eligible water infrastructure projects. Municipalities do not need to obtain financial assistance from the CWSRF or DWSRF program to receive a WIIA grant or IMG grant and do not need to be listed on the CWSRF or DWSRF Intended Use Plan to apply for a WIIA grant or IMG grant.

A WIIA grant or IMG grant is available only to a municipality, which is defined to include a county, city, town, village, district corporation, county or town improvement district, school district, Indian nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of the State that is empowered to construct and operate a water quality infrastructure project.

Application Due Date: Applications must be submitted using the online Application Form located on EFC's website at: www.efc.ny.gov/WIIA or www.efc.ny.gov/IMG by 5:00 p.m., Friday, September 9, 2022. It is expected that submission of additional documents with the application will be required.

Webinar: EFC will host webinars to present the WIIA and IMG programs on July 21, 2022, at 11:00 a.m. and August 16, 2022, at 2:00 p.m. These events will provide an overview of WIIA and IMG, as well as guidance on how to apply for grant funds. There will also be an opportunity to ask questions. You may register for either webinar on EFC's website at: www.efc.ny.gov/WIIA and www.efc.ny.gov/IMG

CONTACTS:

If you have questions on either program, please e-mail: NYSWaterGrants@efc.ny.gov or contact: Máire Cunningham, at the above address, or call (518) 402-6924

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 Environmental Conservation

Pursuant to Title 3, Article 49 of the Environmental Conservation Law, the Department of Environmental Conservation hereby gives public notice of the following:

Notice is hereby given, pursuant to section 49-0305(9) of the Environmental Conservation Law, of the Department's intent to acquire a Conservation Easement from Open Space Institute over certain lands located in the Towns of Edinberg and Providence, Saratoga County, New York.

For further information contact: Robert Morrell, Bureau of Real Property, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4256, (518) 402-9442

PUBLIC NOTICE

Onondaga County Water Authority

The Onondaga County Water Authority hereby gives notice of the following:

The Onondaga County Water Authority is soliciting proposals from administrative service agencies relating to trust service, and administration and/or funding of a Deferred Compensation Plan for the employees of Onondaga County Water Authority. They must meet the requirements of section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto.

A copy of the proposal questionnaire may be obtained from: Onondaga County Water Authority, Attn: Curtis Marvin, Fiscal Officer, PO Box 4949, Syracuse, NY 13221-4949, Phone (315) 455-7061 x 3118, e-mail crmarvin@ocwa.org

All proposals must be received no later than 30 days from the date of publication in the New York State Register.

For further information, contact: Onondaga County Water Authority, Curtis Marvin, Fiscal Officer, PO Box 4949, Syracuse, NY 13221-4949, (315) 455-7061 x 3118, crmarvin@ocwa.org

PUBLIC NOTICE

Department of State Notice of Review for the Village of Williamsville

Draft Local Waterfront Revitalization Program

PURSUANT to Article 42 of the New York State Executive Law and 19 NYCRR Part 601, the New York State Department of State (DOS) has accepted a Draft Local Waterfront Revitalization Program (LWRP) for the Village of Williamsville, located within Erie County and the Western NY Region. The LWRP is a comprehensive management program for the Village's waterfront resources along Ellicott Creek.

To approve the Village of Williamsville LWRP, the Secretary of State must find that it is consistent with Article 42 of the NYS Executive Law and that it does not conflict with existing State programs and policies. Since State agency actions must be consistent with an approved LWRP, Article 42 requires that the public and any potentially affected State and regional agencies be given the opportunity to comment on the proposed program. For this purpose, the Village of Williamsville Draft LWRP is available online at: <https://dos.ny.gov/public-notices>

Comments on the Village of Williamsville Draft LWRP should be submitted by: September 13, 2022, to Valeria Ivan, Department of State, Office of Planning, Development and Community Infrastructure, via email at Valeria.Ivan@dos.ny.gov

PUBLIC NOTICE

Department of State F-2021-0219

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0219, The Town of Clayton is proposing to install sheet pile along ~475 linear feet of failing rock filled wooden cribs. The top of the sheet pile would come up to an elevation of 250' IGLD 1985. The area landward of the sheet pile would be filled with granular fill and covered with rip rap. To facilitate the driving of sheet pile up to 6,500cy of rubble that has fallen from the cribs onto to the river bottom may be removed from the river and placed at an upland town owned property.

The proposal also includes the re-shaping of the shoreline by removing existing large stone and concrete debris and the placing of medium rip rap to contour the shoreline to an ~45 degree slope or less from an elevation of 252' down to and elevation of 246'. This work would be conducted along ~700 linear feet of shoreline and may result in the removal of 1,000cy of large rock and debris with upland placement and the discharge of up to 2,000cy of small to medium rip rap.

The proposal is located along the town owned St. Lawrence River shoreline between Webb Street and Jane Street in the Village of Clayton.

The stated purpose of the proposed action is to stabilize the current shoreline from erosion and high water levels from previous years.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/01/f-2021-0219publicnotice.pdf> or at <https://dos.ny.gov/public-notice>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or July 28, 2022.

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

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

PUBLIC NOTICE

Department of State
F-2022-0198

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0198.pdf>

In F-2022-0198, or the "Dobbs Ferry Bank Stabilization Project", the applicant – 110-150 Draper Owners Corp. – proposes to stabilize the severely eroded bank by constructing a riprap revetment approximately 340 feet along the length of the bank. The stabilization of the bank will restore Wicker's Creek to its approximate pre-storm footprint following construction. The footprint of the proposed revetment will not extend into the approximate pre-storm footprint of Wicker's Creek. It is anticipated that the revetment will be comprised of approximately 680 cubic yards of armor stone, approximately 190 cubic yards of filter stone and filter fabric. Sections along the eroded bank landward of the proposed revetment will be backfilled (approximately 101 cubic yards) in order to be restored to their pre-storm conditions and lawn atop the backfill will be restored. Fallen/damaged debris will be removed along the streambank and will be disposed of at an authorized waste facility. It is anticipated that the contractor will work around and protect the existing sanitary sewer infrastructure as necessary to complete the proposed project. The project is located at 110-150 Draper Lane in the Village of Dobbs Ferry, Westchester County on Wicker's Creek.

The purpose of the proposed project is to "stabilize the severely eroded bank along Wicker's Creek that is currently threatening the residents and parking lot of the existing condominium complex".

Any interested parties and/or agencies desiring to express their

views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 12, 2022.

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

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

PUBLIC NOTICE

Department of State
F-2022-0200

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0200.pdf>

In F-2022-0200, or the "Steensma Dock Addition", the applicant – Corinne Steensma – proposes to construct an access deck and a seasonal float. This will include the construction of an 8 foot by 10 foot aluminum deck cantilevered over the river at the northwest corner of the existing concrete pier. A proposed 20 foot by 4 foot gangway will lead to an 8 foot by 20 foot seasonal float. The seasonal float is comprised of modular polyfloats attached to the pier with tide slides. Additional tide slides are proposed at the southern portion of the existing pier for tying up watercraft. The project is located at Kings Dock Road in the Town of Philipstown, Putnam County on the Hudson River.

The purpose of the proposed project is to provide safe water access for the property owner and guests.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 12, 2022.

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

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

PUBLIC NOTICE

Department of State
F-2022-0205

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0205.pdf>

In F-2022-0205, or the "Dagum Dock Project", the applicant –

Isabelle Dagum – proposes to construct a 4 foot by 24 foot fixed pier with open grate decking, a kayak lift and steps to grade. The project is located at 52 Erland Street in the Town of Brookhaven, Suffolk County on the West Meadow Creek.

The purpose of the proposed project is to “access the waters of West Meadow Creek”.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 12, 2022.

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

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

PUBLIC NOTICE

Department of State
F-2022-0207

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s website at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0207.pdf>

In F-2022-0207, or the “Polley Dock Project”, the applicant – Raymond Polley – proposes to construct a “U” shape float system that includes a 6 foot by 20 foot float, 4 foot by 20 foot float, 3 foot by 16 foot ramp, and six new pilings. In addition, the float system will include the relocation of the existing float, existing ramp and the existing 4 pilings. The project is located at 101 Curely Street in the City of Long Beach, Nassau County on Reynolds Channel.

The purpose of the proposed project is to “provide safe access for the owner to his boat moored on Reynolds Channel”.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 12, 2022.

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

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

PUBLIC NOTICE

Department of State
F-2022-0209

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant’s consistency certification and accompanying public information and data are available for inspection on the New York State Department of State’s

website at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0209.pdf>

In F-2022-0209, or the “Clark Dock Project”, the applicant – Kristian Clark – proposes to construct a 4 foot by 110 foot catwalk with a 3 foot by 12 foot ramp leading to a 6 foot by 30 foot floating dock secured with two anchor piles. The project is located at 56 N. Cartwright Road in the Town of Shelter Island Town, Suffolk County on Coecles Harbor.

The purpose of the proposed project is to “berth and service upland owner’s boat and to enhance the family’s ability to engage in water dependent activities”.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 12, 2022.

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

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

PUBLIC NOTICE

Department of State
F-2022-0213

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0213, Tom Tripoldi proposes remove/replace as navy vinyl, 50LF of bulkhead. Dredge 10’ seaward to -4’ MLW, use resultant 10 cyds of soil as backfill behind bulkhead. Install 6’ x 20’ float on 4 float poles, ramp, install two mooring poles at 20 Broadway.

Town of Babylon, Suffolk County, dug lagoon at Great South Bay

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/7/f-2022-0213consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):
N/A

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., June 10, 2020, 30 days from the date of publication of this notice or August 12, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2022-0214

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0214, The Village of Waddington, is proposing stormwater and wastewater collection systems improvements. The improvements include installing a new wastewater treatment system outfall. The new outfall would include installing up to 750lf of 16" IPS pipe by horizontal directional drill (HDD) (~570lf would be installed under a navigable waterway) with an outfall diffuser assembly installed at the end that would be held in place on the river bottom with three concrete ballast block (18" x 24" x 32"). The new wastewater treatment system outfall would be located in Sucker Brook near the confluence with the St. Lawrence River. HDD break through and diffuser assembly installation would occur within the confines of a weighted turbidity curtain. An inadvertent release plan (frack-out) plan has been submitted. The existing outfall pipe would be abandoned in-place.

Additionally, the proposal would include the replacement of an existing stormwater outfall with a new 18" outfall pipe with a flared end section. Existing rip rap located at the outfall location would be replaced. This work would be located at the end of Fenton Street in the Village of Waddington on the shoreline of the St. Lawrence River.

The larger project includes replacement of existing unlined clay tile sewer with new mains, or relining/relocation of the existing mains, and installation of new storm water mains. Modifications will also be completed on the existing pump stations. Under a separate phase of the project improvements have or will be made to the wastewater treatment facility including improvements to the primary and secondary treatment systems, buildings, site work, sludge handling facilities and disinfection system.

The stated purpose of the proposed action is to address infiltration and inflow issues due to a lack of storm sewers in the Village of Waddington. The new wastewater outfall could accommodate higher flows and reduce the occurrence of surcharging and overflows that have occurred in the past.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0214publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or July 28, 2022.

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

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

PUBLIC NOTICE

Department of State
F-2022-0221

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0221.pdf>

In F-2022-0221, or the "Blind Sodus Bay Western Bluff Stabilization REDI Project", the applicant – Wayne County Soil and Water Conservation District – proposes to construct seven rows of 3 foot high stepped gabion facing reinforced from behind with compacted lifts of select fill, geogrid, and soil nail. The bottom four gabion rows will be grouted, and the top three gabion rows would have a vegetated face. A 1 foot vertical to 1.5 foot horizontal graded slope reinforced with geogrid would extend from the top of the gabions and meet the existing top of bluff. The partial height gabion facing consists of PVC coated galvanized welded wire gabion baskets filled with 4 inch to 12 inch stone in accordance with NYS DOT material requirements. The project also includes soil nailing to stabilize approximately 190 linear feet long existing timber and concrete shoring wall at the eastern project limits. The project includes approximately 0.082 acres of permanent fill impacts below the ordinary high water elevation of 247.3.

The proposed project will be constructed along approximately 900 linear feet of the eroded bluff at the north terminus of Blind Sodus Bay Road at the Lake Ontario shoreline in the Town of Wolcott, Wayne County. The purpose of the proposed project is "long term slope stabilization improvements to protect existing public infrastructure at the top of an approximately 900 linear foot long, 12 foot to 42 foot tall eroded bluff and minimize future property loss".

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 12, 2022.

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

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

PUBLIC NOTICE

Department of State
F-2022-0258

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0258.pdf>

In F-2022-0258, or the "Rialto Island Improvements", the applicant – Town of Babylon – proposes to construct a stone revetment with a living shoreline, reconstruction of the breakwaters at the entrance to the Grand Canal, reconstruction of the octagonal bulkhead and dredg-

ing of the Grand Canal. The applicant proposed to construct a vegetated berm along the south side of the West Rivera Drive as well as a stone revetment and living shoreline. The vegetated berm and revetment will be elevated above the roadway to help prevent tidal waters from inundating the adjacent roadways, private properties and negatively impacting public utilities. The top of the vegetated berm and revetment will be elevations 4.60 and 5.0 NAVD88 respectively. The vegetated berm will be planted with Swamp Milkweed, Seaside Goldenrod and American Beach Grass at 18 inches on center (1,256 SF of plantings). The revetment will be constructed with two layers of 1/2 ton heavy armor stone (230±CY) underlain with bedding stone (135± CY) and geotextile filter fabric. It is proposed to create a wetland between the new berm and the revetment. This area will be planted with *Spartina Patens* and *Spartina Alterniflora* at 12 inches on center (872 SF of Plantings). The existing concrete panel within the footprint of the living shoreline, revetment and berm will be removed and legally disposed of at a NYSDEC approved upland facility (27 CY over 750SF). Approximately 509 SF of wetland vegetation, flagged by Gary Gentile, RLA will be disturbed as a result of this work. However, approximately 2,128 SF of wetlands will be created.

In addition, there is approximately 703 SF of vegetation mixed with invasive Phragmites. It is proposed to cut, remove and bag the phragmite vegetation. Subsequently, the area beneath the phragmites will be excavated to approximately 2' below grade to remove the root system. Approximately 90CY of roots/soil will be excavated and legally disposed of. If an aquatic herbicide is to be used a separate NYSDEC permit will be obtained by the Contractor prior to the start of work.

It is proposed to construct breakwaters on the east and west sides of the entrance to the Grand Canal. The new breakwaters will be constructed in the same location as the existing timber breakwaters which were removed approximately 2 years ago. The old breakwaters were removed because they were in a state of disrepair and were a hazard to the recreational vessels navigating through this channel.

It is proposed to replace the existing deteriorated octagonal bulkhead located at the entrance to the canal. This octagonal island has been a center piece of this community dating back to 1929 (see image below). The existing bulkheaded island is in various states of disrepair and requires replacement. The existing timber bulkhead is proposed to be replaced with a bulkhead consisting of vinyl sheeting, CCA treated timber wales, CCA treated timber piles and galvanized tie rods. The area between the bulkhead sheeting will be filled with approximately 220 CY of select fill. The source of fill will be either from a NYSDEC approved upland source or suitable on-site dredge material. The existing timber bulkhead will be removed and legally disposed of at an approved upland facility.

The applicant is also proposing to dredge approximately 1,625 cubic yards with a 10 year maintenance dredging permit. All dredging will be performed within the limits of the Grand Canal. Dredging will be performed to a depth of 6' below MLW to elevation -6.50 NAVD88. The material will be hydraulically dredged and/or mechanically dredged. The material will either be disposed of at Indian Island, Tanner Park or another NYSDEC approved dredge disposal facilities. The Town will notify the NYSDEC of the final disposal location prior to performing the dredging operation. All dredging will be performed during approved NYSDEC and ACOE dredging windows. Additionally, a turbidity curtain will be installed to enclose the dredging area.

The proposed project is located at the entrance of the Grand Canal, directly southeast of 294 W. Riviera Drive in the Town of Babylon, Suffolk County on the Great South Bay. The purpose of the proposed project is to create a wetland area, reduce the risk of flooding on the adjacent roadways, private properties and public utilities, remove invasive species, protect the channel from wave action, and to maintain accessibility to water dependent activities.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, August 12, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Planning, Development and Community Infra-

structure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2022-0268

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0268, Carmelo Cruz, is proposing to construct a pile (10") supported docking structure. The docking structure would include a 6' x 90' dock leading from the shoreline and an 8' x 76' "L" section located at the waterward end of the 90' dock.

The proposed dock would be located at the applicant's property at 1750 East River Road in Town of Grand Island, Erie County on the Niagara River.

The stated purpose of the proposed action is for recreational use to dock private boat.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0268publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or August 12, 2022.

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

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

PUBLIC NOTICE

Department of State

F-2022-0279

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0279, Linda and Ardo Keshishian propose to construct a new 118' x 4' catwalk at 215 Noyack Road, Southampton, Suffolk County, North Sea Harbor.

The applicant's consistency certification and supporting informa-

tion are available for review at: <https://dos.ny.gov/system/files/documents/2022/7/f-2022-0279consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): None.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or August 12, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2022-0360

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0360, Daniel McGovern and Catherine Lucarelli propose to remove existing 3' x 4.5' steps, and construct a fixed timber dock, consisting of a 4' x 60' fixed timber catwalk (53' seaward of bulkhead), constructed with untreated decking (including open-grate decking at least 15 feet seaward of bulkhead) with two (2) 4' x 6' steps; a 3' x 14' hinged ramp; and a 6' x 20' L-shaped float secured by two (2) 8" diameter pilings at 830 Oak Avenue, Town of Southold, Suffolk County, Goose Creek.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/7/f-2022-0360consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): None.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or August 12, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2022-0369

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0369, the applicant, Chris Innace, is proposing to replace 633LF of failing wooden bulkhead in place and 12" higher with 658LF of navy bulkhead, including (2) 30' returns on both sides, a 4' wide boardwalk, and a 10' wide gravel buffer landward; install a 4' x 40' open pile fixed pier and (2) jet ski lifts; and widen existing boat slip from 20' to 36' and install a 4' x 36' pier to create two boat slips, which will each have a (4) pile boat lift. 132 cubic yards of dredged material from boat slip will be used for backfill landward of bulkhead. This project is located at 150 Crystal Beach Boulevard, Town of Brookhaven, Suffolk County, Old Neck Creek/Forge River.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0369app.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or August 12, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2022-0379

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0379, Danielle and Stephen Ravn propose to construct a dock system to be utilized by three properties to provide access to Richmond Creek. The dock system is planned to be a 4' x 146' fixed walkway with three 4' x 24' finger docks. The project is located at 625 Wells Road, Peconic, NY, 11958, Suffolk County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0379ravn.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or August 12, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington

Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2022-0404

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0404, NYS Office of Parks, Recreation and Historic Preservation, is proposing “Resurface the parking area and provide landscaping and open space improvements throughout the park, including a rain garden, pavilions, picnic areas, seating, signage and lighting upgrades. Rehabilitation and expansion of the existing seasonal floating docks, and repairs to the boat ramp and sheet pile bulkhead”, City of Hudson, Hudson River.

The stated purpose of the proposed action is to “Rehabilitate existing waterfront facilities (boat launch and floating docks) and enhance waterfront recreational opportunities. Rehabilitation will correct deterioration and prevent further damage to limit needs for more extensive rehabilitation measures and will improve the functioning of the seasonal floating docks and boat ramp.”

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0404nysoprphudson.pdf> or at <https://dos.ny.gov/public-notices>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or August 12th.

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

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

PUBLIC NOTICE

Department of State
F-2022-0405

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0405, Oak Island Beach Association Inc. is proposing to remove two existing floating docks and constructing a 4’ x 90’ timber

fixed pier, 3’ x 15’ ramp, installing (7) 5’ x 10’ main floats docks, and (6) 3’ x 22’ finger floats. The site is located on Fire Island Inlet, at the end of The Fairway, Lot 21, Oak Beach, NY, 11702.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/07/F-2022-0405oakislandbeach.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or August 12, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2022-0441

Date of Issuance – July 13, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0441, Orange and Rockland Utilities Inc., is proposing to install a new gas insulated substation (GIS) referred to as the 345 kilovolt (kV) GIS Lovett Substation. As part of this Project, 345kV transmission lines Y94 and Y88 will be modified in the area to bypass the new substation and connect to the new substation, respectively. O&R proposes to install a new gas insulated substation (GIS) referred to as the 345 kilovolt (kV) GIS Lovett Substation. As part of this Project, 345kV transmission lines Y94 and Y88 will be modified in the area to bypass the new substation and connect to the new substation, respectively. The proposed Project is located at the corner of Elm Avenue and Spring Street in the Town of Stony Point, Rockland County.

The stated purpose of the proposed action is to add new capacity to the electric system in the North Rockland area.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0441lovettsubstation.pdf> or at <https://dos.ny.gov/public-notices>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or August 12, 2022.

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

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

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless other-

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

2022-0208 Matter of OGS – Empire State Plaza Central Air Conditioning Plant, Albany, NY 12242, for a variance concerning safety requirements, including pressure testing. Involved is an existing building located at the Empire State Plaza – Agency 4, City of Albany, County of Albany, State of New York.

2022-0274 Matter of SUNY Plattsburgh, Hood Hall, 101 Broad Street, Plattsburgh, NY 12901, for a variance concerning safety requirements, including minimum ceiling height. Involved is an existing building located at 101 Broad Street, City of Plattsburgh, County of Clinton, State of New York.

2022-0279 Matter of Great Meadows Correctional Facility, 11739 NY-22, Comstock, NY 12821, for a variance concerning safety requirements, including emergency power signal. Involved is an existing institutional building located at 11739 NY-22, Building 938, Town of Comstock, County of Washington, State of New York.

2022-0273 Matter of DIY Selfie, 2833 West Ridge Road, Suite Six, Greece, NY 14626, for a variance concerning safety requirements, including combustible materials. Involved is an existing business located at 2833 West Ridge Road, Suite Six, Town of Greece, County of Monroe, State of New York.

2022-0280 Matter of Robert Freese, 1176 Wall Road, Webster, NY 14580, for a variance concerning safety requirements, including permanent barriers. Involved is a single-family dwelling located at 1176 Wall Road, Town of Webster, County of Monroe, State of New York.

2022-0188 Matter of MTA - NYC Transit, Two Broadway, New York, NY 10004, for a variance concerning safety requirements, including area of refuge, means of egress, additional doors and exhaust discharge. Involved is an existing subterranean transit station, known as the 149th Street Grand Concourse Complex on the Jerome Avenue and White Plains Road Lines, located in the City of New York, Borough of the Bronx, State of New York.

2022-0275 Matter of Alexander Napoli/STV Inc., 225 Park Avenue South, New York, NY 10003, for a variance concerning safety requirements, including area of refuge and means of egress. Involved is an existing elevated train station located on the IRT Broadway-7th Avenue Line of the New York City Subway system, known as the Dyckman Street Station, located at 1698 Fort George Hill Street, City of New York, Borough of Manhattan, State of New York.

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2022-0329 Matter of Gennco Designs LLC, Gennaro Cozzolino, 2125 Deer Park Avenue, Deer Park, NY 11729, for a variance concerning safety requirements, including height under a girder/soffit. Involved is an existing dwelling located at Five North Avalon Road, Great Neck, Village of Thomaston, 11021, County of Nassau, State of New York.

2022-0330 Matter of Vincent Albert, 106 New Hampshire Avenue, Massapequa, NY 11758, for a variance concerning safety requirements, including height under a girder/soffit. Involved is an existing dwelling located at 106 New Hampshire Avenue, Massapequa, Town of Oyster Bay, 11758, County of Nassau, State of New York.

2022-0331 Matter of Abbas Mehmood, 43 Mckinley Avenue, Farmingdale, NY 11735, for a variance concerning safety requirements, including height under a girder/soffit. Involved is an existing dwelling located at 43 Mckinley Avenue, Farmingdale, Town of Oyster Bay, 11735, County of Nassau, State of New York.

2022-0332 Matter of Junior A. Nunez, 235 Caboto Avenue, Copiague, NY 11726, for a variance concerning safety requirements, including ceiling height. Involved is an existing dwelling located at 235 Caboto Avenue, Copiague, Town of Babylon, 11751, County of Suffolk, State of New York.

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2022-0334 Matter of Hugh Schaefer, 174 West Merrick Road, Merrick, NY 11566, for a variance concerning safety requirements, including height under a girder/soffit. Involved is an existing dwelling located at Six Devon Road, Village of Hempstead, 11550, County of Nassau, State of New York.

2022-0336 Matter of Rick Viesta, One Compass Court, Oyster Bay, NY 11771, for a variance concerning safety requirements, including height under a girder/soffit. Involved is an existing dwelling located at One Compass Court, Oyster Bay, NY 11771, County of Nassau, State of New York.

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Uniform Code Variance/Appeal Petitions

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2022-0338 Matter of Cynthia Simmons-Hernandez, P.O. Box 256, Central Islip, NY 11722, for a variance concerning safety requirements, including height under a girder/soffit. Involved is an existing dwelling located at One Taj Court, Centereach, Town of Brookhaven, NY 11720, County of Suffolk, State of New York.

EXECUTIVE ORDERS

Executive Order No. 3.9: Continuing the Declaration of Disaster Emergency.

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

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Article 2-B of the Executive Law, York, do hereby extend the state disaster emergency as set forth in Executive Order 211, as continued in Executive Order 3.8, and continue the terms, conditions, and suspensions contained in Executive Order 211, until July 20, 2022.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twentieth day of June in the year two thousand twenty-two.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

