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**NEW YORK STATE**

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**REGISTER**

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***INSIDE THIS ISSUE:***

- Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs
- Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act
- Charges for Professional Health Services

**Court Notices**

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

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

- the 60-day period expires on September 18, 2022
- the 45-day period expires on September 3, 2022
- the 30-day period expires on August 19, 2022

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GOVERNOR**

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SECRETARY OF STATE**

**NEW YORK STATE DEPARTMENT OF STATE**

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

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

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

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

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

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

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

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

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

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## Department of Corrections and Community Supervision

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### EMERGENCY RULE MAKING

#### Disposition for Violations of the Conditions of Release

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

**Filing No.** 487

**Filing Date:** 2022-06-30

**Effective Date:** 2022-06-30

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

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

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

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

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

rules is necessary to ensure the State continues to meet its obligations to public safety and to provide due process to the releasees accused of violating their conditions of release.

**Subject:** Disposition for violations of the conditions of release.

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

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

The Board proposes repeal and replacement of 9 N.Y.C.R.R. sections 8004.2 and 8004.3, and new 9 N.Y.C.R.R. sections 8004.4, 8004.5, 8004.6, 8004.7, 8004.8, 8004.10 and 8004.11, which changes will collectively detail various aspects of the parole revocation process including such matters as when a report of violative conduct to the Board is required, requirements related to a notice of violation, delineation of technical violations for which reincarceration is possible versus those for which it is not, and parole warrant issuance. Some of the sections addressed in these proposals have content in existing regulations but which has been reorganized for continuity of presentation. New 9 N.Y.C.R.R. section 8004.9 is proposed to address the subject of recognizance hearings, which will now be required when a releasee is arrested on a parole violation warrant and are to be conducted in a court of law.

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

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



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

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

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CCS-08-22-00007-EP, Issue of February 23, 2022. The emergency rule will expire August 28, 2022.

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

#### **Regulatory Impact Statement**

1. **Statutory Authority:** Section 259-c(11) of the New York Executive Law authorizes the New York State Board of Parole to “make rules for the conduct of its work, a copy of such rules and of any amendments thereto to be filed by the chairman with the secretary of state”. Executive Law § 259-c(1) and (2) empower the Board to determine the conditions of release of those individuals released to community supervision under the jurisdiction of the Department of Corrections and Community Supervision. Pursuant to sections 259-c(6) and 259-i(3) of the Executive Law, the Legislature has conferred upon the Board the exclusive authority to revoke the parole, conditional release or post-release supervision status of any such person, to authorize the issuance of warrants to retake and detain such individuals and to determine their re-release to supervision, based upon violations of the conditions of release. Pursuant to section 259-i(4) of the Executive Law, the Board provides for a process for the administrative appeal of revocation determinations.

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

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

The amendments to 9 NYCRR §§ 8002.6 and 8004.1 provide for the computation of time assessments, which determines when an individual reincarcerated as a result of an adjudicated violation of release disposition is eligible for re-release, consistent with the provisions of LIMA. Section 8004.1 further introduces definitions for terms describing categories of violation created by LIMA which have a material effect on the character and scope of legally authorized dispositions while new sections 8004.6, 8004.7 and 8004.8 provide further detail on these categories of violation and amendments to section 8003.2 revise the standard conditions of release in light of these changes. The addition of 9 NYCRR §§ 8004.6, 8004.7, 8004.8 and the repeal and replacement of 9 NYCRR § 8005.20 provide for a sanction scheme and a process for the imposition of such sanctions which is consistent with the provisions of LIMA. Amendments to sections

8004.2, the repeal and replacement of section 8004.3, and new sections 8004.4, 8004.5, 8004.9, 8004.10 and 8004.11 address changes to the process by which a violation proceeding is commenced and the new recognizance hearing required by LIMA. The amendments to Part 8005 alter the revocation hearing process and the penalties which may result in a manner consistent with LIMA. The amendments to Part 8006 revise the process for the administrative appeal of revocation determinations to harmonize current practice with the new appeal entitlements provided by LIMA.

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

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

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

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

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

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

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

#### **Regulatory Flexibility Analysis**

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

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

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

#### **Job Impact Statement**

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

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

In response to this proposed rulemaking, the Board received comments from The Legal Aid Society of New York City, #LessIsMoreNY Campaign, and Member of the New York State Assembly Dan Quart, and received approximately 68 form letters/emails with the same or substantially similar contents. The comments, which included complex comments requiring significant consideration received at or after the expiration of the comment period specified in the notice of proposed rulemaking, are still under review and the agency is considering revisions, which would ultimately necessitate revised rule making.

The comments addressed a large number of specific topics and provisions of the rulemaking, expressing concerns regarding: the revisions to the conditions of release; the classification of violative behavior as non-technical, technical with no reincarceration authorized, technical with reincarceration authorized, and/or absconding; the process for the issuance of notices of violation and warrants for retaking and the contents of the required notice; the time to hold the recognizance, preliminary and final revocation hearings; the provisions governing the conduct of such hearings; the calculation of time assessments, including the manner in which violations are aggregated for the purpose of determining legally authorized time assessments; the procedures for facilitating the presence of non-profit service providers at final revocation hearings and; the determination of the Board that the regulations would have no substantial adverse impact on jobs or employment opportunities.

The concerns expressed by these comments included both statements that provisions of the rulemaking were unlawful in that they were either unauthorized by statute or prohibited by statute or other legal principle and statements that the rules, if lawful, represented inadvisable policy. At this time the Board has not identified any provisions of the rulemaking



which are unlawful. However, with regard to the advisability of the rulemaking's provisions the comments require further consideration to determine the extent to which a revised rulemaking is necessary prior to adoption.

The full text of the Assessment of Public Comments may be found on the agency's website at: <https://doccs.ny.gov/rules-regulations>

## EMERGENCY RULE MAKING

### Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs

**I.D. No.** CCS-16-22-00003-E

**Filing No.** 485

**Filing Date:** 2022-06-29

**Effective Date:** 2022-06-29

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

**Action taken:** Amendment of sections 1.5, 251-1.6, 251-1.7, 251-2.2, 251-4.1, 253.7, 254.7, 270.2, 300.2, 301.1, 301.3, 302.1, 304.3, 304.4, 724.2-724.5; repeal of sections 250.2, 251-1.5, 251-2.1, 251-4.2, 301.4, 301.5, 301.6, 301.7, 304.2(b)-(f); addition of sections 251-5.2–251-5.4, 304.1(c) and 304.7(h) to Title 7 NYCRR.

**Statutory authority:** Correction Law, section 70

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

**Specific reasons underlying the finding of necessity:** The implementation of the HALT Act which takes effect on March 31, 2022. The adoption of the regulations is necessary for the general welfare of incarcerated individuals who are subject to discipline for violating an institutional rule. Effective March 31, 2022, the time individuals are permitted to be placed in segregated housing is severely limited and requires out-of-cell time. HALT requires the creation of new housing units – Residential Rehabilitation Units (RRUs) where individuals are placed after segregated confinement. With the creation of RRUs, the Act requires the implementation of three hours of out-of-cell congregate programming focusing on the behavior that caused them to be in segregated confinement and recreation. In addition, changes are required regarding restraining individuals and certain privileges, such as property and jobs on the units. The time individuals can spend in an RRU is also limited. The new disciplinary hearing process provides shortened deadlines and the opportunity for incarcerated individuals to request representation at their hearings by either attorneys, paralegals, law school students, and other incarcerated individuals. Significant changes in the operation processes are needed to meet the shortened deadlines and the creation of criteria for those representing incarcerated individuals at a hearing.

**Subject:** Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs.

**Purpose:** To revise regulations to be in compliance with the new HALT legislation and applicable laws.

**Substance of emergency rule (Full text is posted at the following State website: <http://www.doccs.ny.gov/RulesRegs/index.html>):** The Department of Corrections and Community Supervision is amending, repealing, and adding several sections in 7 NYCRR Chapter I, Part I; Chapter V, Parts 250-254; Chapter VI, Parts 300-304; and Chapter VIII, Part 724. Revisions have been made to make the regulations compliant with the new HALT legislation regarding the removal of keeplock and limiting the use of segregated confinement for incarcerated individuals to 15 days and other applicable laws. Some revisions are non-substantive and are being made to improve punctuation and grammar. A summary of the substantive amendments are as follows:

The term "inmates" was replaced with "incarcerated individuals" or appropriate variations thereof throughout the regulations.

The following sections/subdivisions have been repealed and subdivisions renumbered:

Amend Section 1.5 to revise the following subdivisions: Section 1.5(f) removes "persons committed for failure to pay a fine"; Section 1.5(u) adds "21 years of age or younger and 55 years of age or older"; Section 1.5(v) removes the mention of keeplock and adds language regarding limiting cell confinement for incarcerated individuals except due to facility wide emergency or to provide medical or mental health treatment, Section 1.5(w) removes "placement in a special housing unit or a residential rehabilitation unit."

Amend Section 251-1.6. Incarcerated individuals in special populations are not to be placed in segregated confinement for any length of time and incarcerated individuals being confined to a cell or room may not be

confined for longer than 17 hours unless approval is granted by the superintendent and deputy commissioner for correctional facilities, in which case time may be extended up to 48 hours.

Amend Section 251-2.2 to be titled Misbehavior Report Review. A review officer will review all misbehavior reports that have not yet been reviewed at least once on each shift and will review the status of each incarcerated individual confined pursuant to the reports within 17 hours of the individual's confinement.

Amend Section 251-4.1 to Employee Assistance which addresses incarcerated individuals requesting employee assistance when a misbehavior report has been issued against them.

Amend Section 251-5.1. Incarcerated individuals placed in segregated confinement pending a superintendent's hearing, the hearing shall be completed within five days of placement unless the individual requests a postponement for the purposes of seeking employee assistance and/or representation. Requests to postpone the hearing must be submitted by the charged individual to the hearing officer, in person, at the individual's first appearance before the hearing officer. Failure to appear will result in the waiver of any postponement request and the hearing will be held in the charged individual's absence. Postponement requests will not be accepted by escorting officers or other departmental staff.

Add new Section 251-5.2. Representation. Defines who is permitted to represent an incarcerated individual that is placed in segregated confinement pending a disciplinary hearing or superintendent's hearing.

Add Section 251-5.3. Notice of Outside Representation. The attorney, law student, or paralegal must contact the facility by email, providing notice of representation, written certification such representative meets all departmental requirements for such representation, and a publicly listed business phone number where they can be reached by the hearing officer at scheduled date and time of the hearing at least two business days before the scheduled hearing.

Add Section 251-5.4. Outside Representative Requests. Outside representatives may make one written request for postponement for rescheduling or additional employee assistance requests, provided that such request is submitted by email with the notice of outside representation and reasonably describes the assistance sought. Reasonable postponement requests may be granted dependent upon the scheduling needs of the facility; however, such postponements may not exceed 14 calendar days from the charged initial placement in segregated confinement.

Amend Section 253.7. Upon affirming a charge, a hearing officer may impose one or more penalties to include counsel and/or reprimand, and non-confinement sanction in accordance with departmental directive 4932, loss of visiting privileges, restitution for loss of intentional damage to property, the imposition of one work task per day other than regular work assignments, and forfeiture of money confiscated as contraband.

Amend Section 254.7. Where the incarcerated individual admits the charges or where the hearing officer affirms the charges on the basis of evidence, the hearing officer may impose one or more penalties to include counsel and/or reprimand, and non-confinement sanction in accordance with departmental directive 4932, loss of visiting privileges, restitution for loss of intentional damage to property, the imposition of one work task per day other than regular work assignments, forfeiture of money confiscated as contraband, segregated confinement for a specified period of time, and loss of specified period of good behavior allowance subject to restoration upon substantial completion of the incarcerated individual's rehabilitation plan. Upon conclusion of the hearing a mandatory disciplinary surcharge in accordance with departmental directive 4932 shall be assessed automatically against the incarcerated individual.

Amend Section 724.3, Subdivision (a). Articles received in a package must comply with departmental directives concerning packages and personal property limits. Articles received that are not for the incarcerated individual's personal use, which cause the recipient to exceed the number of allowable packages, weight limits, or in-cell limits, or which otherwise violate departmental directives will not be allowed and will be disposed of in accordance with departmental directives.

Amend Section 724.3, Subdivision (b). (1) Packages shall be searched thoroughly to ensure that all articles conform to regulations and departmental directives. Paragraph (5) added that any items which could be utilized to assist or affect an escape or undermine the safety and security and/or practices consistent with the department's mission; or which is an approved item but has been altered from its original intent and/or purpose to the list of what could be considered contraband. Paragraph (6) clarifies that articles not permitted (other than contraband) will be disposed of in accordance with departmental directive. Paragraph (7) now states articles shall not be altered or modified by the manufacturer or vendor, except for removal of external radio antennas.

Amend Section 724.3. Newly renumbered subdivision (c) states all articles received shall be recorded in accordance with departmental directive.

Amend Section 724.3. Newly renumbered subdivision (d) states pack-

ages received for an incarcerated individual serving a disciplinary disposition which includes "loss of package privileges" will be handled in accordance with departmental directive.

Amend Section 724.3. Newly renumbered subdivision (f) states packages received for incarcerated individuals transferred or temporarily absent from the facility shall be handled in accordance with departmental directives.

Amend Section 724.4. Subdivision (a) states certain articles cannot be approved department-wide because of programmatic and physical plant characteristics of individual facilities. In order that those locations which can accommodate special articles are not governed by those which cannot, each facility shall consider the issuance of "local permits" in accordance with departmental directives.

Amend Section 724.4. Subdivision (b) states each superintendent is required to maintain a current list of all approved local permits.

Amend Section 724.5. Listing of approved items and disposal procedures. The department shall maintain a departmental directive concerning the receipt of packages, including a detailed listing of items approved for receipt by incarcerated individuals through facility package rooms, and policy for the disposal of disallowed packages and items, which shall be available to incarcerated individuals in all facility libraries, posted in all facility package rooms and visiting rooms, and posted on the department's website.

Amend Section 300.2. Subdivision (b) states a special housing unit, in maximum security facilities as well as in designated medium security facilities, shall consist of single- or double-occupancy cells grouped so as to provide separation from the general population, and may be used to house incarcerated individuals confined to such units pursuant to Part 301 of this Title.

Amend Section 301.1 Purpose. No incarcerated individual may be placed in segregated confinement (SHU) for longer than necessary and for no more than 15 consecutive days or 20 total days in any 60-day period, except where a specific act constitutes a violent felony act, if occurring more than once in a 60-day period, the incarcerated individual may serve an additional 15 consecutive days but must spend at least 15-days in a Residential Rehabilitation Unit (RRU) in between each placement in SHU. Incarcerated individuals will be transferred or moved to an RRU if they have additional confinement time after completing 15-days in SHU.

Amend Section 301.3. Subdivision (a). Detention admissions may be used in the case of an incarcerated individual who is awaiting initial appearance before or determination of a superintendent's hearing, if a security supervisor, with written approval of the superintendent or designee, reasonably believes the person fits the criteria for segregated confinement in paragraph (ii) of paragraph (k) of section one hundred thirty-seven of the Correction Law. Subdivision (c) is renumbered subdivision (b) and newly renumbered subdivision (b) states in the case of any detention admission, if a misbehavior report has been issued, the provisions of section 251-2.2 of this Title shall be applicable. Pursuant to Part 251-1.6 (b) of this title, the facility's deputy superintendent of security or a watch commander shall review the detention admission incarcerated individual's status at least once every 24 hours.

Amend Section 302.1. Subdivision (i), paragraph (2). An incarcerated individual shall be permitted to make at least one personal phone call within twenty-four hours of placement in segregated confinement, and at weekly intervals thereafter for the duration of such confinement, except when doing so would create an unacceptable risk to the safety and security of incarcerated individuals or staff. Emergency and legal telephone calls are permitted, as approved by the superintendent. Paragraph (3) states no packages may be received at any time by an incarcerated individual in an SHU except in accordance with departmental directive 4933.

Amend Section 304.1. Add new subdivision (c). Incarcerated individuals in segregated confinement shall be offered out-of-cell programming at least four hours per day, including at least one hour for recreation. However, if an incarcerated individual commits a specific act while housed in a SHU and poses a significant risk, their participation in certain programs may be restricted but they must still be provided with at least 4 hours out-of-cell time daily, of which 2 hours are therapeutic programming and 2 hours of recreation.

Amend Section 304.7. Add new subdivision (h). Incarcerated individuals may utilize law library tablets in accordance with departmental directive 4933.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CCS-16-22-00003-EP, Issue of April 20, 2022. The emergency rule will expire August 27, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Cathy Sheehan, Acting Deputy Commissioner and Counsel, NYS Department of Corrections and Community Supervision, 1220 Washington

Avenue, Harriman State Campus, Albany, NY 12226-2050, (518) 457-4951, email: Rules@DOCCS.ny.gov

#### **Regulatory Impact Statement**

##### **1. Statutory Authority:**

On March 18, 2021, the HALT legislation was passed with an effective date of March 31, 2022, which made significant changes to Article 6, Section 137, of the Correction Law relating to the hearing process, housing, and rules concerning incarcerated individual discipline.

Article 6, section 112, subdivision 1 of the Correction Law provides the commissioner of corrections and community supervision with the superintendence, management and control of the correctional facilities in the department and of the incarcerated individuals confined therein, and of all matters relating to the government, discipline, policing, contracts and fiscal concerns thereof. In this regard, the commissioner is authorized to make rules and regulations for the government, housing and discipline for each correctional facility and to cause such rules and regulations to be recorded by the superintendent of each facility.

##### **2. Legislative Objectives:**

To decrease the use and improve the conditions of segregated housing at State Correctional Facilities by limiting the time an incarcerated individual may spend in segregated confinement, end the segregated confinement of vulnerable populations, restrict the criteria that can result in such confinement, and create more humane and effective alternatives to such confinement.

##### **3. Needs and Benefits:**

To implement the HALT Law, the Department needs to amend its regulations related to segregated confinement consistent with the changes to the correction law in the areas of housing, hearing process, and rules relating to incarcerated individual discipline and operational processes. The anticipated benefits include fulfilling the legislature's objective to reduce the use and improve the conditions of segregated housing at State Correctional Facilities and offering programming that addresses the behavior that was the catalyst for a person being placed in segregated confinement.

##### **4. Costs:**

(a) This proposed rulemaking imposes no costs on any local agency.

(b) As the proposed rulemaking does not apply to private parties, no costs are imposed on private parties.

(c) DOCCS is appropriated \$45,280,000 in the Executive Budget for the Fiscal Year 2022-2023 for costs associated with the implementation of HALT.

##### **5. Local Government Mandates:**

This rulemaking imposes no program, service, duty or responsibility on any county, city, town, village, school district, or other special district. It applies only to NYS DOCCS.

##### **6. Paperwork:**

The HALT Law adds a reporting requirement that DOCCS will conspicuously publish reports on its website on the first day of each month of the total number of incarcerated individuals in segregated housing or residential rehabilitation units, and in a step-down unit, which will be broken into demographics. Also, DOCCS will publish semi-annual and annual cumulative reports compiling the information from the monthly reports.

##### **7. Duplication:**

There is no overlap or conflict with any other legal requirements of the State or Federal government.

##### **8. Alternatives:**

As this proposal is necessary to implement the statutory changes in the HALT Law, and the existing regulations are inconsistent with such changes, there is no viable alternative.

##### **9. Federal Standards:**

There are no federal standards that apply to the proposed rulemaking.

##### **10. Compliance Schedule:**

Compliance will be achieved immediately upon filing of the emergency adoption inclusive of any dates contained in the regulations.

#### **Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses or local governments. This proposal amends Departmental regulations relating to the administration of Special Housing Units in New York State Correctional Facilities consistent with the "Humane Alternatives to Long-Term Solitary Confinement" (HALT) Act, which was signed into law in March 2021.

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

A Rural Area Flexibility Analysis is not being submitted with this notice since the proposed rule will have no impact upon rural areas, nor does the proposed rule impose any reporting, recordkeeping or other compliance requirements upon rural areas. This proposal amends Departmental regula-



tions relating to the administration of Special Housing Units in New York State Correctional Facilities consistent with the “Humane Alternatives to Long-Term Solitary Confinement” (HALT) Act, which was signed into law in March 2021.

#### Job Impact Statement

A Job Impact Statement is not being submitted with this notice, for the proposed rule will have no adverse impact upon jobs or employment opportunities, nor does the proposed rule impose any reporting, recordkeeping or other compliance requirements upon employers. This proposal amends Departmental regulations relating to the administration of Special Housing Units in New York State Correctional Facilities consistent with the “Humane Alternatives to Long-Term Solitary Confinement” (HALT) Act, which was signed into law in March 2021.

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## Education Department

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### EMERGENCY RULE MAKING

#### Instruction Provided to Students in a Home, Hospital, or Institutional Setting Other Than a School (Homebound Instruction)

**I.D. No.** EDU-22-22-00008-E

**Filing No.** 489

**Filing Date:** 2022-07-01

**Effective Date:** 2022-07-01

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

**Action taken:** Addition of section 100.22; amendment of section 200.6 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 215, 305, 1604, 1709, 2503, 2554, 3202, 3204 and 3205

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

**Specific reasons underlying the finding of necessity:** Homebound instruction is an educational service provided by a school district to resident students (public and non-public) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury. Homebound instruction ensures that students can continue learning and working towards mastery of State learning standards while unable to attend school for a significant period of time for reasons beyond their control.

Currently, Commissioner’s regulations only address instruction provided to students cared for in hospitals or other institutions which provide for the care, custody, and treatment of children, other than a school setting, pursuant to Education Law § 3202(6) (8 NYCRR 175.21). This section of regulation pertains to average daily attendance and average daily membership for determination of state aid and establishes a minimum of 5 (elementary school level) or 10 (secondary level) hours of instruction per week.

For students with disabilities who are recommended for home, hospital, or institutional instruction by a committee on special education (CSE), section 200.6 of the Commissioner’s regulations requires the same minimum hours for elementary and secondary levels as prescribed in section 175.21 of the Commissioner’s regulations and reserves the determination of the instruction and related services to the CSE. There currently exists no instructional requirements for the general student population in need of such instruction, other than these stated minimums.

Throughout the 2021 -2022 school year, the State Education Department received numerous inquiries from parents and caregivers regarding the extent to which they could request, or were entitled to receive, “homebound” instruction for students, including those who were immunocompromised. Schools also inquired as to how they should determine a student’s eligibility for such instruction.

The proposed rule will give districts and parents or guardians clarity on the requirements for the application and provision of such instruction. The proposed rule will also establish, beginning with the 2023-2024 school year, increased minimum instructional requirements for students who are unable to attend school in person for at least ten days out of the next three months due to illness or injury that requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

Thus, the Department proposes to add a new section 100.22 to the Commissioner’s regulations that:

- defines the terms tutor, school district of residence, and healthcare provider;
- requires medical verification from the student’s treating healthcare provider as well as a request for home, hospital, or institutional instruction from a parent or guardian;
- establishes a time frame for review of the request, including the ability to appeal a denial thereof to a board of education;
- identifies minimum requirements for instruction to continue a student’s academic progress, including the development of an instructional plan in consultation with the parent or guardian and, where appropriate, the student; and
- effective July 1, 2023, increases the minimum instruction hours to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

Additionally, the Department proposes to amend section 200.6 of the Commissioner’s regulations to provide that the amount of home, hospital, and institutional instruction for students with disabilities conforms to the increased requirements of section 100.22.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (non-emergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earlier effective date of the proposed rule, if adopted at the September meeting, would be September 28, 2022, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the May meeting, effective July 1, 2022, for the preservation of the general welfare to ensure that districts and parents or guardians receive clarity as to the circumstances under which “homebound” instruction may be requested and delivered for the upcoming school year.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the September 2022 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rulemaking.

**Subject:** Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction).

**Purpose:** To provide clarity as to the circumstances under which homebound instruction may be requested and delivered.

**Text of emergency rule:** 1. Part 100 of the Regulations of the Commissioner of Education, is amended by adding a new section 100.22 to read as follows:

§ 100.22 *Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction).*

(a) *Purpose. The purpose of this section is to establish minimum instructional requirements that must be provided to students who are anticipated to be unable to attend school in person for at least ten days during a three month period due to illness or injury which requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.*

(b) *Definitions. As used in this section:*

(1) *Remote instruction shall have the same meaning as defined in section 100.1(u) of this Part.*

(2) *Tutor means an individual with whom the school district of residence contracts to provide home, hospital, or institutional instruction pursuant to this section. Such tutor must hold a New York State teaching certificate pursuant to Part 80 of this Title. A tutor may include a teacher employed by a board of cooperative educational services (BOCES) that contracts with the school district of residence to provide such instruction pursuant to Education Law § 1950.*

(3) *Instruction delivery plan means a written plan to continue the student’s academic progress and to maintain a record of delivery of instructional services and student progress, in accordance with paragraph (1) of subdivision (e) of this section.*

(4) *School district of residence means the public school district within the State of New York where students legally reside with their parents or guardians.*

(5) *Treating health care provider means a person who is treating a student and is licensed or otherwise authorized to provide diagnosis pursuant to a profession enumerated in Title VIII of the Education Law.*

(c) *Responsibility for instruction.*

(1) *The board of education of the school district of residence shall provide instructional services to all resident students enrolled in a public or nonpublic school from kindergarten to age 21 when, due to a temporary or chronic physical, mental, emotional illness or injury, as documented by*

the student's treating healthcare provider, the student is unable to participate in their usual education setting.

(2) Such instruction may be provided by the district or by a tutor; provided, however, that for hospital and institutional instruction, such instruction may also be provided via contract with a school connected with such hospital or institution, or by contract with the local public school district in which such hospital or institution is located. Such contract shall be limited to the cost of educational services and shall not include maintenance or medical services.

(d) Request for instruction.

(1) When requesting home, hospital, or institutional instruction, the parent or guardian must submit a request to the school district of residence that includes written medical verification from the student's treating healthcare provider demonstrating the student's anticipated inability to attend school in person for at least ten days during the next three months.

(2) The school district shall forward the request to the school's medical director, who shall review the need for home, hospital, or institutional instruction. Upon consent from the parent or guardian, the school's medical director may contact the student's treating healthcare provider to obtain additional information necessary regarding the student's health or mental health.

(3) The school district shall provide instructional services to the student within five school days after the school district receives notification of the student's medical condition or within five school days from the parent or guardian's request for home, hospital, or institutional instruction, whichever occurs first.

(4) The school district shall notify the parent or guardian regarding the medical director's approval or reason(s) for denial within five school days after receipt of written medical verification from the student's treating health care provider.

(5) The parent or guardian may appeal the medical director's denial to the school district's board of education within five school days of receipt thereof.

(6) Instructional services shall be provided during the timeframe prescribed in paragraph (3) of this subdivision while an appeal of a denial of home, hospital or institutional instruction is pending before the school district's board of education pursuant to paragraph (5) of this subdivision.

(e) Instructional requirements. Home, hospital, or institutional instruction, which may include remote instruction, shall meet the following minimum requirements:

(1) The school district, in consultation with the parent, guardian, and student, where appropriate, shall establish a written home, hospital, or institution instruction delivery plan to continue the student's academic progress and to maintain a record of delivery of instructional services and student progress. The instruction delivery plan shall include, but not be limited to:

(i) the number of hours per week and hours per day that the student will receive instructional services;

(ii) the method by which instructional services will be delivered;

(iii) the location where instructional services will be provided, such as the home, hospital, or institution; and

(iv) an explanation of how the instructional services will enable the student to maintain academic progress.

(2)(i) Prior to July 1, 2023, the student shall receive instruction for the number of days and length of time necessary to continue the student's academic progress, which includes at a minimum:

(a) at the elementary school level, 5 hours of instruction per week. To the extent possible, at least one hour of instruction shall be provided each day.

(b) at the secondary school level, 10 hours of instruction per week. To the extent possible, at least two hours of instruction shall be provided daily.

(ii) On and after July 1, 2023, the student shall receive instruction for the number of days and length of time necessary to continue the student's academic progress, which includes at a minimum:

(a) at the elementary school level, 10 hours of instruction per week. To the extent possible, at least two hours of instruction shall be provided each day.

(b) at the secondary school level, 15 hours of instruction per week. To the extent possible, at least three hours of instruction shall be provided daily.

(3) Notwithstanding paragraph (2) of this subdivision, students may receive less than the required amount of instruction per week if requested by their parent(s) or guardian(s) and supported by documentation submitted by their treating healthcare provider. The district must ensure that the student is unable to receive the additional hours of instruction required by such paragraph and that the reason why the student is receiving less instruction is documented in the instruction delivery plan required pursuant to paragraph (1) of this subdivision. Under these circumstances, the district must ensure that the student's instruction delivery plan is reviewed

regularly, but not less than once a month, to determine when the student's instructional hours may be increased; provided, however, that for purposes of determining average daily attendance pursuant to Education Law § 3602(1)(d) and average daily membership pursuant to Education Law § 3602(1)(l), a student must receive the minimum amount of instruction as prescribed in section 175.21 of this Chapter.

(4) The school district of residence shall maintain a record of the dates, amount, and type of instructional services the student received, including the teacher's name, subjects taught, and the location where the instructional services were provided.

(f) Students with disabilities. Notwithstanding the provisions of this section, students with disabilities who are recommended for home, hospital, or institutional instruction by the committee on special education pursuant to section 200.6(i) of this Chapter shall be provided instruction and related services as prescribed in such section.

2. Subdivision (i) of section 200.6 of the Regulations of the Commissioner of Education is amended to read as follows:

(i) Home and hospital instruction. Students with disabilities who are recommended for home and/or hospital instruction by the committee on special education shall be provided instruction and appropriate related services as determined and documented by the committee on special education in consideration of the student's unique needs. Home and hospital instruction shall only be recommended if such placement is in the least restrictive environment and must be provided for at least the number of days and length of time as provided in section 100.22(e)(2) of this Chapter.

[(1) a minimum of five hours per week at the elementary level, preferably one hour daily; or

(2) a minimum of 10 hours per week at the secondary level, preferably two hours daily].

**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. EDU-22-22-00008-P, Issue of June 1, 2022. The emergency rule will expire September 28, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY:

Section 101 of the Education Law continues the existence of the Education Department, with the Board of Regents as its head, and authorizes the Regents to appoint the Commissioner as chief administrative officer of the Department, which is charged with the general management and supervision of public schools and the educational work of the State.

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 215 of the Education Law empowers the Regents and the Commissioner to visit, examine into and inspect, any institution in the University and any school or institution under the educational supervision of the State and may require reports therefrom giving information as the Regents or the Commissioner prescribe.

Section 305(1) and (2) of the Education Law provide the Commissioner, as chief executive officer of the State's education system, with general supervision over all schools and institutions subject to the Education Law, or any statute relating to education, and responsibility for executing all educational policies of the Regents.

Section 1604(20) of the Education Law requires the trustees of common school districts to provide transportation, home-teaching or special classes, as defined in Education Law § § 4401 and 4402 of the Education Law for physically or mentally handicapped and delinquent children.

Section 1709(24) of the Education Law requires the board of education of union free school districts to provide transportation, home-teaching or special classes, as defined in Education Law § § 4401 and 4402 of the Education Law for physically or mentally handicapped and delinquent children.

Section 2503(11) of the Education Law requires the board of education of small city school districts to provide transportation, home-teaching or special classes, as defined in Education Law § § 4401 and 4402 of the Education Law for physically or mentally handicapped and delinquent children.

Section 2554(18) of the Education Law requires the board of education of large city school districts to provide transportation, home-teaching or special classes, as defined in Education Law § § 4401 and 4402 of the Education Law for physically or mentally handicapped and delinquent children.

Section 3202(6) of the Education Law provides that children cared for in a hospital or other institution for the care, custody and treatment of chil-



dren, other than a school and excepting children of the officers and employees of such hospital or institution, shall not, by reason of their presence in such hospital or institution be deemed to be residents of the school district in which such hospital or institution is located. The trustees or board of education of the school district of their residence shall provide educational services for such children. Such services may be provided by a tutor employed by the district, by contract with a school connected with such hospital or institution, or by contract with the local public school district in which such hospital or institution is located.

Section 3204 of the Education Law provides that minors required to attend upon instruction pursuant to the Compulsory Education Law may attend at a public school or elsewhere and sets forth the requirements of such instruction.

Section 3205 of the Education Law provides that each minor from six to sixteen years of age in each school district or on an Indian reservation shall attend upon full time instruction.

## 2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction).

## 3. NEEDS AND BENEFITS:

Home, hospital, or institutional (formerly homebound) instruction is an educational service provided by a school district to resident students (public and non-public) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury. Homebound instruction ensures that students can continue learning and working towards mastery of learning standards while unable to attend school for a significant period of time for reasons beyond their control.

Currently, Commissioner's regulations only address instruction provided to students cared for in hospitals or other institutions which provide for the care, custody, and treatment of children, other than a school setting, pursuant to Education Law § 3202(6) (8 NYCRR 175.21). This section of regulation pertains to average daily attendance and average daily membership for determination of state aid and establishes a minimum of 5 (elementary school level) or 10 (secondary level) hours of instruction per week.

For students with disabilities who are recommended for home, hospital, or institutional instruction by a committee on special education (CSE), section 200.6 of the Commissioner's regulations requires the same minimum hours for elementary and secondary levels as prescribed in section 175.21 of the Commissioner's regulations and reserves the determination of the instruction and related services to the CSE. There currently exists no instructional requirements for the general student population in need of such instruction, other than these stated minimums.

Throughout the 2021 - 2022 school year, the State Education Department received numerous inquiries from parents and caregivers regarding the extent to which they could request, or were entitled to receive, such instruction for students, including those who were immunocompromised. Schools also inquired as to how they should determine a student's eligibility for such instruction.

The proposed rule will give districts and parents or guardians clarity on the requirements for the application and provision of such instruction. The proposed rule will also establish, beginning with the 2023-2024 school year, increased minimum instructional requirements for students who are unable to attend school in person for at least ten days out of the next three months due to illness or injury that requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

Thus, the Department proposes to add a new section 100.22 to the Commissioner's regulations that:

- defines the terms tutor, school district of residence, and healthcare provider;
- requires medical verification from the student's treating healthcare provider as well as a request for home, hospital, or institutional instruction from a parent or guardian;
- establishes a time frame for review of the request, including the ability to appeal a denial thereof to a board of education;
- identifies minimum requirements for instruction to continue a student's academic progress, including the development of an instructional plan in consultation with the parent or guardian and, where appropriate, the student; and
- effective July 1, 2023, increases the minimum instruction hours to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

Additionally, the Department proposes to amend section 200.6 of the Commissioner's regulations to provide that the amount of home, hospital,

and institutional instruction for students with disabilities conforms to the increased requirements of section 100.22.

## 4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: Consistent with statute, the proposed amendment increases the minimum instruction hours, effective July 1, 2023, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician. There may be costs to school districts to provide these increased hours of instruction to homebound students. These costs will vary based on the number of resident students receiving such instruction in a school district. The Department has provided for an effective date of July 1, 2023 for this requirement to allow districts sufficient time to budget for these potential costs.

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on regulated parties.

(d) Cost to the regulatory agency: The proposed amendment will not impose any additional costs on the Department.

## 5. LOCAL GOVERNMENT MANDATES:

The proposed amendment identifies minimum requirements for the provision of home, hospital, or institutional instruction by school districts to continue a student's academic progress, including the development of an instruction plan in consultation with the parent or guardian and, where appropriate, the student. Additionally effective July 1, 2023, the proposed rule increases the minimum instruction hours, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician. The proposed amendment also sets forth procedures school districts must follow when a request for such instruction has been received. The district must: (1) forward the request to the school's medical director, who shall review the request; (2) provide instructional service to the student within five days after the school district receives notification of the student's medication condition or within five school days from the parent or guardian's request for homebound instruction, whichever occurs first; (3) notify the parent or guardian regarding the medical director's approval or reason(s) for denial within five school days after receipt of written medication verification from the student's treating health care provider; and (4) provide instructional services to the students during the time period where the school medical director is considering the request for instruction and while an appeal of a denial of such instruction is pending.

## 6. PAPERWORK:

The proposed amendment identifies minimum requirements for the provision of home, hospital, or institutional instruction by school districts to continue a student's academic progress, including the development of an instruction plan in consultation with the parent or guardian and, where appropriate, the student. Such plan must include but is not limited to: (1) the number of hours per week and hours per day that the student will receive instructional services; (2) the method by which instructional services will be delivered; (3) the location where instructional services will be provided; and (4) an explanation of how the instructional services will enable the student to maintain academic progress.

## 7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

## 8. ALTERNATIVES:

The proposed rule is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). Therefore, no significant alternatives were considered.

## 9. FEDERAL STANDARDS:

There are no applicable Federal standards.

## 10. COMPLIANCE SCHEDULE:

The proposed amendment will take effect as an emergency rule on July 1, 2022. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 meeting, the proposed amendment will become effective as a permanent rule on September 28, 2022. The proposed rule sets an effective date of July 1, 2023 for the required increased hours of homebound instruction. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

## Regulatory Flexibility Analysis

### (a) Small businesses:

The proposed amendment is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or

institutional setting other than a school (homebound instruction). Because it is evident from the nature of the proposed rule that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The rule applies to all school districts in the State which have resident students requiring the provision of home, hospital, or institutional instruction.

2. COMPLIANCE REQUIREMENTS:

Home, hospital, or institutional instruction is an educational service provided by a school district to resident students (public and non-public) who are anticipated to be unable to attend school in person for at least ten days in a three-month period due to physical, mental, or emotional illness or injury. Such instruction ensures that students can continue learning and working towards mastery of learning standards while unable to attend school for a significant period of time for reasons beyond their control.

Currently, Commissioner's regulations only address instruction provided to students cared for in hospitals or other institutions which provide for the care, custody, and treatment of children, other than a school setting, pursuant to Education Law § 3202(6) (8 NYCRR 175.21). This section of regulation pertains to average daily attendance and average daily membership for determination of state aid and establishes a minimum of 5 (elementary school level) or 10 (secondary level) hours of instruction per week.

For students with disabilities who are recommended for home, hospital, or institutional instruction by a committee on special education (CSE), section 200.6 of the Commissioner's regulations requires the same minimum hours for elementary and secondary levels as prescribed in section 175.21 of the Commissioner's regulations and reserves the determination of the instruction and related services to the CSE. There currently exists no instructional requirements for the general student population in need of such instruction, other than these stated minimums.

Throughout the 2021 -2022 school year, the State Education Department received numerous inquiries from parents and caregivers regarding the extent to which they could request, or were entitled to receive, "homebound" instruction for students, including those who were immunocompromised. Schools also inquired as to how they should determine a student's eligibility for such instruction.

The proposed rule will give districts and parents or guardians clarity on the requirements for the application and provision of such instruction. The proposed rule will also establish, beginning with the 2023-2024 school year, increased minimum instructional requirements for students who are unable to attend school in person for at least ten days out of the next three months due to illness or injury that requires the student to remain at home or in a hospital or other institution for the treatment of children, other than a school.

Thus, the Department proposes to add a new section 100.22 to the Commissioner's regulations that:

- defines the terms tutor, school district of residence, and healthcare provider;
- requires medical verification from the student's treating healthcare provider as well as a request for home, hospital, or institutional instruction from a parent or guardian;
- establishes a time frame for review of the request, including the ability to appeal a denial thereof to a board of education;
- identifies minimum requirements for instruction to continue a student's academic progress, including the development of an instructional plan in consultation with the parent or guardian and, where appropriate, the student; and
- effective July 1, 2023, increases the minimum instruction hours to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

Additionally, the Department proposes to amend section 200.6 of the Commissioner's regulations to provide that the amount of home, hospital, and institutional instruction for students with disabilities conforms to the increased requirements of section 100.22.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

Consistent with statute, the proposed amendment increases the minimum homebound instruction hours, effective July 1, 2023, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician. There may be costs to school districts to provide these

increased hours of instruction to homebound students. These costs will vary based on the number of resident homebound students in a school district. The Department has provided for an effective date of July 1, 2023 for this requirement to allow districts sufficient time to budget for these potential costs.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any technological requirements on local governments. Regarding economic feasibility see "COSTS" section above.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). While school districts may incur costs in implementing the proposed rule as outlined in the "COSTS" section above, the proposed rule is necessary to ensure that students receive meaningful and appropriate instruction while at home, in hospital, or an institutional setting due to illness or injury. There were no significant alternatives considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts.

*Rural Area Flexibility Analysis*

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to all school districts in the State which have resident students requiring the provision of home, hospital, or institutional (homebound) instruction, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

The proposed amendment identifies minimum requirements for the provision of such instruction by school districts to continue a student's academic progress, including the development of an instruction plan in consultation with the parent or guardian and, where appropriate, the student. Such plan must include but is not limited to: (1) the number of hours per week and hours per day that the student will receive instructional services; (2) the method by which instructional services will be delivered; (3) the location where instructional services will be provided; and (4) an explanation of how the instructional services will enable the student to maintain academic progress.

Additionally effective July 1, 2023, the proposed rule increases the minimum instruction hours, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician.

The proposed amendment also sets forth procedures school districts must follow when a request for home, hospital, or institutional has been received. The district must: (1) forward the request to the school's medical director, who shall review the request; (2) provide instructional service to the student within five days after the school district receives notification of the student's medication condition or within five school days from the parent or guardian's request for homebound instruction, whichever occurs first; (3) notify the parent or guardian regarding the medical director's approval or reason(s) for denial within five school days after receipt of written medication verification from the student's treating health care provider; and (4) provide instructional services to the students during the time period where the school medical director is considering the request for instruction and while an appeal of a denial of such instruction is pending.

3. COSTS:

Consistent with statute, the proposed amendment increases the minimum home, hospital, or institutional instruction hours, effective July 1, 2023, to at least 10 hours of instruction per week at the elementary level and at least 15 hours of instruction at the secondary level, unless a lesser period is requested by the parent or guardian and supported by documentation submitted by a treating physician. There may be costs to school districts, including those located in rural areas, to provide these increased hours of such instruction to students. These costs will vary based on the number of resident students needing such instruction in a school district. The Department has provided for an effective date of July 1, 2023 for this requirement to allow districts sufficient time to budget for these potential costs.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). Because the purpose of the proposed amendment is to ensure that all students receive meaningful and appropriate instruction while at home, in hospital, or an institutional setting due to illness or injury, no alternatives were considered for school districts located in rural areas.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, including those in rural areas.

**Job Impact Statement**

The purpose of the proposed rule is to implement Regents' policy regarding the provision of instruction to students in a home, hospital or institutional setting other than a school (homebound instruction). Because it is evident from the nature of the proposed rule that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

**Assessment of Public Comment**

The agency received no public comment.

**EMERGENCY  
RULE MAKING**

**Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act**

**I.D. No.** EDU-22-22-00009-E

**Filing No.** 490

**Filing Date:** 2022-07-01

**Effective Date:** 2022-07-01

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

**Action taken:** Amendment of section 135.5; addition of section 136.9 to Title 8 NYCRR.

**Statutory authority:** Education Law, sections 101, 207, 305, 923, 3001-b, 3001-c; L. 2021, ch. 500

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

**Specific reasons underlying the finding of necessity:** Chapter 500 of the Laws of 2021, effective July 1, 2022, establishes the Dominic Murray Sudden Cardiac Arrest Prevention Act ("the Act") which:

- Requires the Commissioner of Health to develop information, in conjunction with the Commissioner of Education, relating to pupils exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest.
- Directs the Commissioner of Education to review such information created by the Department of Health and post such information on the Department's website.
- Requires all schools to include such information in any permission form, consent form, or similar document that may be required for a student's participation in interscholastic athletics and include such information, or reference how to obtain such information from the Department and Department of Health's websites, on the school's website, if one exists.
- Requires the Commissioner of Education to promulgate regulations requiring that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician. Such authorization must be kept on file in the pupil's permanent health record.
- Removes the reference to "the American National Red Cross" and replaces such term with "a nationally recognized organization" as defined in Public Health Law § 3000-b(1)(d), regarding completion of a course of study in first aid knowledge and skills by public and nonpublic school coaches of extra-class activities.

Therefore, the Department proposes to add a new section 136.9 and amend section 135.5 of the Commissioner's regulations to implement the above provisions of the Dominic Murray Sudden Cardiac Arrest Prevention Act.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (non-emergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2022 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earlier effective date of the proposed rule, if adopted at the September meeting, would be September 28, 2022, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the May 2022 meeting for

the preservation of the general welfare and public health to timely implement the provisions of the Dominic Murray Sudden Cardiac Arrest Prevention Act (Chapter 500 of the Laws of 2021) on its effective date.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the September 2022 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rulemaking. However, since the emergency action will expire before the September 2022 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the September 2022 Regents meeting.

**Subject:** Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act.

**Purpose:** To implement the Dominic Murray Sudden Cardiac Arrest Prevention Act.

**Text of emergency rule:** 1. Part 136 of the Regulations of the Commissioner of Education is amended by adding a new section 136.9 to read as follows:

*Section 136.9. Sudden Cardiac Arrest*

*(a) Applicability.*

*(1) The provisions of this section relate to pupils who display signs or symptoms of pending or increased risk of sudden cardiac arrest while engaging in athletic activities.*

*(2) The provisions of this section shall apply to all school districts, charter schools, and nonpublic schools.*

*(b) Definitions. As used in this section:*

*(1) Athletic activities mean participation in physical education class or extra class athletic activities that involve physical activities that result in participants' increased heart and respiratory rates.*

*(b) Extra-class athletic activities means those sessions organized for instruction and practice in skills, attitudes, and knowledge through participation in individual, group, and team activities organized on an intramural, extramural, or interschool athletic basis to supplement regular physical education class instruction.*

*(c) Requirements.*

*(1) The Department shall post on its website information developed by the Commissioner of Health, in conjunction with the Commissioner, relating to students who exhibit signs or symptoms of pending or increased risk of sudden cardiac arrest. Such information shall include, but not be limited to:*

*(i) The definition of sudden cardiac arrest; and*

*(ii) signs and symptoms of pending or increased risk of sudden cardiac arrest.*

*(2) A school shall include the information required under paragraph (1) of this subdivision in any document that may be required from a parent or person in parental relation for a pupil's participation in interscholastic sports, including a permission or consent form.*

*(3) A school shall include the information required under paragraph (1) of this subdivision on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the Department and the Department of Health.*

*(d) Removal from athletic activities.*

*(1) Any pupil who displays signs or symptoms of pending or increased risk of sudden cardiac arrest must be immediately removed from athletic activities.*

*(2) No such pupil shall resume athletic activity until he or she has been evaluated by and received written and signed authorization from, a licensed physician. With respect to extra class athletic activities for pupils attending a public school, no such pupil shall resume such activities until he or she has received clearance from the director of school health services to participate in such activity.*

*(i) Such authorization shall be kept on file in the pupil's permanent health record.*

*(ii) The school must abide by any limitations or restrictions concerning school attendance and activities issued by the pupil's treating physician.*

2. Section 135.3 of the Regulations of the Commissioner of Education is amended to read as follows:

Section 135.5. First aid knowledge and skills requirements for coaches

*(a) Coaches of extra class periods in physical education, as defined in section 135.1(h) of this Part, shall meet the requirements of this section.*

*(b) Except as provided in subdivision (c) of this section, all coaches must hold valid certification in first aid knowledge and skills, including instruction in the administration of adult cardiopulmonary resuscitation, as issued by [the American National Red Cross] a nationally recognized organization, as defined in Public Health Law § 3000-b(1)(d), or meet equivalent requirements as set forth in this section.*

*(c) By January 15, 1993, all coaches employed on or after January 15, 1992, must hold valid certification in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation,*



as issued by [the American National Red Cross] a nationally recognized organization, as defined in Public Health Law § 3000-b(1)(d), or meet equivalent requirements as set forth in this section.

(d) For the purpose of this section, the following shall be deemed as equivalent to certification in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation as issued by [the American National Red Cross] a nationally recognized organization, as defined in Public Health Law § 3000-b(1)(d):

(1) completion of an approved course for coaches in first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest;

(2) completion of an approved college or university first aid knowledge and skills course, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest;

(3) completion of approved college or university courses in athletic training and sports medicine, which include first aid knowledge and skills, including instruction in administration of adult cardiopulmonary resuscitation and instruction in recognizing signs and symptoms of cardiac arrest and sudden cardiac arrest; or

(4) equivalent experience which is approved by the Commissioner of Education.

(e) Except as provided in subdivision (c) of this section, prior to the start of each sports season, coaches must provide valid evidence to their chief school officer that their first aid and adult cardiopulmonary resuscitation knowledge and skills are current pursuant to the requirements established by [the American National Red Cross] a nationally recognized organization, as defined in Public Health Law § 3000-b(1)(d), or that they meet equivalent requirements as set forth in subdivision (d) of this section.

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. EDU-22-22-00009-P, Issue of June 1, 2022. The emergency rule will expire September 28, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Kirti Goswami, Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

#### Regulatory Impact Statement

##### 1. STATUTORY AUTHORITY:

Section 101 of the Education Law continues the existence of the Education Department, with the Board of Regents as its head, and authorizes the Regents to appoint the Commissioner as chief administrative officer of the Department, which is charged with the general management and supervision of public schools and the educational work of the State.

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 305(1) and (2) of the Education Law provide the Commissioner, as chief executive officer of the State's education system, with general supervision over all schools and institutions subject to the Education Law, or any statute relating to education, and responsibility for executing all educational policies of the Regents.

Section 923 of the Education Law, as added by the Dominic Murray Sudden Cardiac Prevention Act, Chapter 500 of the Laws of 2021 (Chapter 500), directs the Commissioner to review information developed by the Commissioner of Health relating to students exhibiting signs or symptoms of pending or increased risk of cardiac arrest and to post such information on the Department's website. It also requires the Commissioner to promulgate regulations requiring that any student showing signs or symptoms of pending or increased risk of sudden cardiac arrest be immediately removed from athletic activities and not resume until he or she has been evaluated by and received written authorization from a licensed physician.

Section 3001-b of the Education Law, as amended by Chapter 500, requires coaches of athletic activity in a public school to be certified in first aid, including recognizing signs and symptoms of sudden cardiac arrest.

Section 3001-c of the Education Law, as amended by Chapter 500, requires coaches of athletic activity in a non-public school to be certified in first aid, including recognizing signs and symptoms of sudden cardiac arrest.

##### 2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to conform Commissioner's regulations to, and implement, Chapter 500, which added a new section 923 to the Education Law, effective July 1, 2022, to require that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately

removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician.

##### 3. NEEDS AND BENEFITS:

###### Chapter 500:

- requires the Commissioner of Health to develop information, in conjunction with the Commissioner of Education, relating to pupils exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest;

- directs the Commissioner of Education to review such information created by the Department of Health and post such information on the Department's website;

- requires all schools to include such information in any permission form, consent form, or similar document that may be required for a student's participation in interscholastic athletics and include such information, or reference how to obtain such information from the Department and Department of Health's websites, on the school's website, if one exists;

- requires the Commissioner of Education to promulgate regulations requiring that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician; - such authorization must be kept on file in the pupil's permanent health record; and

- removes the reference to "the American National Red Cross" and replaces such term with "a nationally recognized organization" as defined in Public Health Law § 3000-b(1)(d), regarding completion of a course of study in first aid knowledge and skills by public and nonpublic school coaches of extra-class activities.

Therefore, the Department proposes to add a new section 136.9 and amend section 135.5 of the Commissioner's regulations to implement the above provisions of the Dominic Murray Sudden Cardiac Arrest Prevention Act.

##### 4. COSTS:

(a) Costs to State government: The proposed rule implements statutory requirements and establishes standards as directed by statute, and will not impose any additional costs on State government beyond those imposed by the statutory requirements.

(b) Costs to local government: There are no additional costs to local governments beyond those imposed by statute.

(c) Cost to private regulated parties: The proposed rule does not impose any additional costs to regulated parties beyond those imposed by statute.

(d) Cost to the regulatory agency: The proposed rule does not impose any additional costs on the Department beyond those imposed by statute.

##### 5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program, service, duty, or responsibility upon local governments beyond those imposed by statute. Consistent with Chapter 500, the proposed rule requires schools to include the information developed in any document that may be required from a parent or person in parental relation for a pupil's participation in interscholastic sports, including a permission or consent form. Schools must also include such information on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the State Education Department and the Department of Health. Additionally, the proposed rule requires that when a pupil is removed from athletic activities no such pupil shall resume athletic activity until he or she has been evaluated by and received written and signed authorization from licensed physician. Such authorization must be kept on file in the pupil's permanent health record and the school must abide by any limitations or restrictions concerning school attendance and activities issued by the pupil's treating physician.

##### 6. PAPERWORK:

The proposed amendment is necessary to implement Chapter 500, and does not impose any specific recordkeeping, reporting or other paperwork requirements beyond those inherent in the statute. Consistent with the statute, the proposed amendment requires that schools include information relating to students exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest in any permission form or similar document that be required for a student's participation in interscholastic activities.

##### 7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

##### 8. ALTERNATIVES:

The proposed rule is necessary to conform the Commissioner's regulations to Chapter 500. There are no significant alternatives to the proposed rule available and none were considered.

##### 9. FEDERAL STANDARDS:

There are no applicable Federal standards.

##### 10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the September 2022 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the September 2022 meeting, the proposed amendment will become effective on September 28, 2022. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

**Regulatory Flexibility Analysis**

(a) Small businesses:

The proposed rule is necessary to conform Commissioner’s regulations to, and implement, Chapter 500 of the Laws of 2021 (Chapter 500), which added a new section 923 to the Education Law, effective July 1, 2022, to require that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The proposed amendment applies to each of the 673 school districts in the State and all charter and nonpublic schools.

2. COMPLIANCE REQUIREMENTS:

The proposed rule is necessary to conform Commissioner’s regulations to, and implement, Chapter 500, which added a new section 923 to the Education Law, effective July 1, 2022, to require that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician. The proposed rule does not impose any program, service, duty, or responsibility upon local governments beyond those imposed by statute. Consistent with Chapter 500, the proposed rule requires schools to include the information developed in any document that may be required from a parent or person in parental relation for a pupil’s participation in interscholastic sports, including a permission or consent form. Schools must also include such information on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the State Education Department and the Department of Health. Additionally, the proposed rule requires that when a pupil is removed from athletic activities no such pupil shall resume athletic activity until he or she has been evaluated by and received written and signed authorization from licensed physician. Such authorization must be kept on file in the pupil’s permanent health record and the school must abide by any limitations or restrictions concerning school attendance and activities issued by the pupil’s treating physician.

3. NEEDS AND BENEFITS:

Chapter 500:

- requires the Commissioner of Health to develop information, in conjunction with the Commissioner of Education, relating to pupils exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest;
- directs the Commissioner of Education to review such information created by the Department of Health and post such information on the Department’s website;
- requires all schools to include such information in any permission form, consent form, or similar document that may be required for a student’s participation in interscholastic athletics and include such information, or reference how to obtain such information from the Department and Department of Health’s websites, on the school’s website, if one exists;
- requires the Commissioner of Education to promulgate regulations requiring that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician; - such authorization must be kept on file in the pupil’s permanent health record; and
- removes the reference to “the American National Red Cross” and replaces such term with “a nationally recognized organization” as defined in Public Health Law § 3000-b(1)(d), regarding completion of a course of study in first aid knowledge and skills by public and nonpublic school coaches of extra-class activities.

Therefore, the Department proposes to add a new section 136.9 and amend section 135.5 of the Commissioner’s regulations to implement the above provisions of the Dominic Murray Sudden Cardiac Arrest Prevention Act.

4. PROFESSIONAL SERVICES:

The proposed amendment does not require any additional professional service requirement on local governments.

5. COMPLIANCE COSTS:

In general, the proposed amendment does not impose any additional costs on local governments beyond those inherent in statute.

6. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any additional costs or technological requirements on local governments.

7. MINIMIZING ADVERSE IMPACT:

The proposed amendment is necessary to conform the Commissioner’s regulations to, and implement, Chapter 500. Accordingly, no alternatives were considered.

8. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State and from the chief school officers of the five big city school districts and from charter schools.

**Rural Area Flexibility Analysis**

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to all public and non-public schools, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

The proposed rule does not impose any program, service, duty, or responsibility on entities in rural areas beyond those imposed by statute. Consistent with Chapter 500, the proposed rule requires schools to include the information developed in any document that may be required from a parent or person in parental relation for a pupil’s participation in interscholastic sports, including a permission or consent form. Schools must also include such information on its website, if in existence, or reference how to obtain such information from the webpages where such information is available from the State Education Department and the Department of Health. Additionally, the proposed rule requires that when a pupil is removed from athletic activities no such pupil shall resume athletic activity until he or she has been evaluated by and received written and signed authorization from licensed physician. Such authorization must be kept on file in the pupil’s permanent health record and the school must abide by any limitations or restrictions concerning school attendance and activities issued by the pupil’s treating physician.

3. COSTS:

The proposed rule does not impose any additional costs beyond those required by statute.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement the provisions of Chapter 500. Because of the nature of the proposed rule, alternative approaches for rural areas were not considered.

5. RURAL AREAS OF PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts and from charter schools, including those in rural areas.

**Job Impact Statement**

The proposed rule is necessary to conform the Regulations of the Commissioner of Education (Commissioner’s regulations) to Chapter 500 of the Laws of 2021 (Chapter 500). Chapter 500, effective July 1, 2022, establishes the Dominic Murray Sudden Cardiac Arrest Prevention Act (“the Act”) which:

- requires the Commissioner of Health to develop information, in conjunction with the Commissioner of Education, relating to pupils exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest;
- directs the Commissioner of Education to review such information created by the Department of Health and post such information on the Department’s website;
- requires all schools to include such information in any permission form, consent form, or similar document that may be required for a student’s participation in interscholastic athletics and include such information, or reference how to obtain such information from the Department and Department of Health’s websites, on the school’s website, if one exists;
- requires the Commissioner of Education to promulgate regulations requiring that any student displaying signs or symptoms of pending or increased risk of sudden cardiac arrest shall be immediately removed from athletic activities and shall not resume athletic activity until he or she has been evaluated by and received written and signed authorization from a licensed physician; - such authorization must be kept on file in the pupil’s permanent health record; and

• removes the reference to “the American National Red Cross” and replaces such term with “a nationally recognized organization” as defined in Public Health Law § 3000-b(1)(d), regarding completion of a course of study in first aid knowledge and skills by public and nonpublic school coaches of extra-class activities.

Therefore, the Department proposes to add a new section 136.9 and amend section 135.5 of the Commissioner’s regulations to implement the above provisions of Chapter 500.

The proposed rule will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed rule that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

## Department of Environmental Conservation

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

#### Special Licenses and Permits; Marine Resources Licenses and Permits – Uniform Procedures

I.D. No. ENV-29-22-00001-P

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

**Proposed Action:** Addition of Part 39; amendment of Parts 11, 40, 43, 44, 45, 50, 175 and 182 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 1-010, 3-0301, arts. 11 and 13

**Subject:** Special licenses and permits; Marine Resources licenses and permits - Uniform Procedures.

**Purpose:** Update regulations to reflect the reestablishment of the Division of Marine Resources and creation of new licenses and permits.

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

**#public):** The New York State Department of Environmental Conservation (Department) proposes to add a new 6 NYCRR Part 39 and to amend 6 NYCRR Part 175. The proposed addition and amendment would:

(1) update Part 175 to reflect the reestablishment of the Department’s Division of Marine Resources (DMR), separate and distinct from the Division of Fish and Wildlife (DFW);

(2) clarify the processes for issuance and management of special fish and wildlife licenses and permits;

(3) add a new Part 39, titled “Marine Licenses and Permits – Definitions and Uniform Procedures” to describe the processes for issuance, reissuance, surrender, designation, and revocation of marine resources licenses and permits;

(4) detail the process for the immediate suspension of a shellfish dealer permit where violations by the permit holder pose a threat to human health; and

(5) describe the process for Department suspension of review of a license or permit application where there is a pending enforcement matter against the applicant.

**Text of proposed rule and any required statements and analyses may be obtained from:** Anne Haas, Department of Environmental Conservation, NYSDEC, Office of General Counsel, 625 Broadway, Albany, NY 12233, (518) 402-9185, email: [ogc.regs@dec.ny.gov](mailto:ogc.regs@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:** Pursuant to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act and Title 6 of NYCRR Part 617.5(26), this action is listed as Type II and no further review is required.

#### Regulatory Impact Statement

##### I. Statutory authority:

Pursuant to Environmental Conservation Law (ECL) § 1-0101(1), it is the policy of New York State “to conserve, improve and protect its natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the

people of the state and their overall economic and social well being.” ECL § 3-0301(2)(m) authorizes the Department to adopt rules, regulations, and procedures “necessary, convenient or desirable to effectuate the purposes of [the ECL].” More specifically, ECL § 11-0305(2) grants the Department the power to issue licenses and permits, to adopt procedures for the issuance of licenses, and to revoke licenses and permits as provided by law.

##### 2. Legislative objectives:

The proposed rule ensures that special fish and wildlife and marine resources licenses and permits are issued and managed in a clear, consistent, and efficient manner. By ensuring that licenses and permits are issued consistently and efficiently to qualified persons, the proposed rule promotes New York State’s policy to improve and protect its natural resources and environment and to enhance the public health, safety and welfare.

##### 3. Needs and benefits:

6 NYCRR Part 175 establishes uniform procedures for “special licenses and permits” within the Division of Fish, Wildlife and Marine Resources. The Department last updated Part 175 in 2006. Since then, the Department has re-established the Bureau of Marine Resources as a separate division from the Division of Fish and Wildlife. The proposed rule updates Part 175 accordingly.

##### Specifically, the proposed rulemaking:

a. Relocates all provisions related to marine resources licenses and permits to a new 6 NYCRR Part 39.

The nuances of the marine resources program warrant a separate part within the regulations to address the particularities of the marine license and permit application review process, as well as the processes for marine resources license and permit issuance, reissuance, surrender, designation, revocation, and suspension.

##### b. Details the process for suspension of shellfish dealer permits.

ECL § 13-0315(3)(f) states that the Department may suspend or revoke a shellfish dealer’s permit at any time for failure to comply with the conditions of the permit. Current regulations describe the procedure for revocation of marine licenses and permits but are silent regarding the process for permit suspension.

The Department’s Shellfish Inspection Unit conducts sanitary inspections of shellfish wholesale dealers’ facilities to ensure that they are in compliance with state requirements. Pursuant to these inspections, Department staff may discover violations of the ECL, regulations, or permit conditions that present a demonstrable threat to public health. The proposed rule describes the process for temporary suspension of a permit in cases where revocation is not an appropriate response, either because the Department does not believe revocation of the permit is appropriate, or because allowing the permit holder to continue operating pending revocation presents a danger to human health.

Under the proposed rule, the Department may immediately suspend, with notice, a shellfish dealer permit where allowing the permit holder to continue operating may result in a demonstrable threat to public health and safety. Following suspension, the permit holder may submit to the Department a written plan of action outlining the corrective actions that have been taken to address the conduct warranting suspension. The Department would lift the suspension upon approval of the written plan, correction of the deficiency and, if necessary, re-inspection of the facility by the Department. A clearly defined suspension process will help to protect the public health and safety by immediately preventing shellfish dealers from storing, selling or distributing shellfish which may not be fit for human consumption.

In addition to the public health benefits, the clarified suspension process would financially benefit permit holders in many cases. Permit revocation, which is for a longer period of time and requires the permit holder to reapply for a permit, results in potentially high costs to the permit holder. While revocation would still be an option where there are numerous, repeat, or ongoing deficiencies, the clarified suspension process offers the Department a shorter-term, less costly mechanism for addressing first time deficiencies that present a threat to human health.

c. Describes the process by which the Department may suspend review of a license or permit application where there is an enforcement matter against the applicant for violations of the ECL, regulations, or license or permit conditions.

6 NYCRR Part 621, which contains uniform procedures for most Department licenses and permits, allows the Department to suspend processing and review of a permit application where an enforcement action has been or is commenced against the applicant for violations of the ECL or other environmental laws administered by the Department. Part 175 does not contain a comparable provision for special fish and wildlife and marine resources licenses and permits.

The proposed provision, which will be added to both Parts 39 and 175, allows the Department to suspend review of an application, by written notice to the applicant, where an enforcement action is commenced or is already pending against the applicant. Processing and review of the applica-



tion will resume once the enforcement matter is resolved. The proposed provision provides consistency with Part 621 while ensuring that license and permit holders are in compliance with the ECL, regulations, and license or permit conditions.

d. Lists specific grounds for denial of a license or permit, including noncompliance with any provision of the ECL, or any State or Federal law or regulation related to the permitted activity. This addition would aid Department staff in rendering clear and consistent decisions on license and permit applications, while putting applicants on notice of the types of behaviors which may result in application denial.

e. Vests license and permit revocation hearings with the Department's Office of Hearings. This change would ensure that hearings are held in a manner consistent with 6 NYCRR Part 622, Uniform Hearing Enforcement Procedures.

f. Clarifies the processes for special license and permit renewal, reissuance, modification, transfer, relinquishment/surrender, and designation. Proposed provisions provide additional guidance to both Department staff and to license and permit holders and applicants and ensure that special fish and wildlife and marine resources licenses and permits are managed in a clear, consistent, and efficient manner.

g. Adds or amends the following definitions to Part 175: 'applicant', 'complete application', 'domicile', 'exhibition', 'modification', 'propagation', 'renewal', 'resident', 'sale', and 'scientific'. Defining these terms not defined in the ECL will provide guidance for consistent review of applications for and issuance of special licenses and permits.

#### 4. Costs:

The proposed provisions allowing the Department to immediately suspend a shellfish dealer permit where noncompliance threatens human health may result in short term costs to permit holders who cannot operate during the suspension; however, these costs are minimized by allowing the permit holder to submit a corrective action plan following suspension. Once the Department has confirmed that the conduct warranting suspension has been corrected, DEC will immediately lift the suspension. In many cases, suspension may result in savings to permit holders as it presents a shorter-term, less costly mechanism than permit revocation to address first-time deficiencies creating a threat to human health.

There are no costs anticipated for State or local governments because of this rule making. The Department may incur nominal costs associated with notifying all persons affected by the proposed rule.

#### 5. Local government mandates:

This regulation will not impose any program, service, duty or responsibility upon any county, city, town, village, or municipality.

#### 6. Paperwork:

No additional paperwork is required under this rule.

#### 7. Duplication:

The amendment does not duplicate any state or federal requirement.

#### 8. Alternatives:

No Action Alternative: Under this alternative, Part 175 would neither be updated nor revised to address the issues discussed above. Part 175 would remain out-of-date; the Division of Marine Resources would be incorrectly referred to as the Bureau of Marine Resources. Part 175 would remain as one Part, applying to both special fish and wildlife and marine resources licenses and permits. Without this logical separation, it will be less clear to Department staff, as well as to license and permit applicants and holders, which provisions apply to each category of permit. Without the addition of provisions outlining the process for temporary suspension of shellfish dealer permits, the Shellfish Inspection Unit would have no process for immediate, short-term suspension of a license or permit, resulting in potential threats to public health. Without a process to suspend permit applications pending resolution of enforcement matters, the Department cannot ensure that licenses and permits are issued only to applicants in compliance with the ECL, regulations, and license and permit conditions.

#### 9. Federal standards:

There are no applicable federal standards.

#### 10. Compliance schedule:

Regulated parties would be required to comply with the proposed rule immediately upon publication of the notice of adoption in the State Register. The public would be notified of the changes to the regulations through publication in the State Register, through appropriate news releases, and through DEC's website.

### **Regulatory Flexibility Analysis**

#### 1. Effect of rule:

ECL section 13-0315(3)(f) states that the Department may suspend a shellfish dealer permit at any time for failure to comply with the conditions of the permit. There are approximately 425 small businesses holding shellfish dealer permits in New York State. Under the proposed Part 39, DEC may immediately suspend a shellfish dealer permit where violations by the permit holder of the ECL, regulations, or permit conditions result in a demonstrable threat to public health and safety. This change may result

in short term financial loss for small businesses who cannot operate during the suspension; however, these effects are minimized by allowing the permit holder to submit a corrective action plan at any point following suspension. Once the Department has confirmed that the conduct warranting suspension has been corrected, DEC will immediately lift the suspension. In many cases, suspension may benefit small businesses as it presents a shorter-term, less costly mechanism than permit revocation to address first-time deficiencies creating a threat to human health. Given this, this change is unlikely to result in a substantial adverse impact on small businesses.

#### 2. Compliance requirements:

The proposed changes do not impose any additional reporting or recordkeeping obligations on permit holders; therefore, there will be no effect on local governments or small businesses.

#### 3. Professional services:

No professional services are required to comply with the provisions of this rule.

#### 4. Compliance costs:

There are no anticipated costs for local governments because of the proposed rule.

The proposed provision allowing for immediate suspension of shellfish dealer permits may result in short term financial loss for small businesses holding shellfish dealer permits who cannot operate during the suspension; however, these effects are minimized by allowing the permit holder to submit a corrective action plan at any point following suspension. Once the Department confirms that the conduct warranting suspension has been corrected, DEC will immediately lift the suspension.

#### 5. Economic and technological feasibility:

As there are no anticipated impacts on local governments, and any adverse impact on small businesses is expected to be minimal, this rulemaking is economically and technologically feasible for these entities.

#### 6. Minimizing adverse impact:

As discussed above, any adverse impacts resulting from the addition of provisions related to shellfish dealer permit suspension are minimized by providing an immediate opportunity for permit holders to correct the conduct warranting suspension so that the suspension may be lifted immediately upon confirmation of compliance. In many cases, suspension may benefit small businesses as a shorter-term, less costly mechanism than permit revocation to correct violations harmful to human health.

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

Following proposal of the rule, the Department will receive comment from the public, including small business and local governments, for 60 days. Upon publication in the state register, the Department's Division of Marine Resources will send direct notice to all shellfish dealer permit holders in the State, including instructions to comment and a link to the Department's webpage on the proposed rule.

### **Rural Area Flexibility Analysis**

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

Under the proposed Part 39, DEC may immediately suspend a shellfish dealer permit where violations by the permit holder of the ECL, regulations, or permit conditions result in a demonstrable threat to public health and safety. There are currently 14 permitted shellfish dealers located in 13 rural counties in New York State to which the provision will apply: Chautauqua County (1); Chemung County (1); Columbia County (1); Cortland County (1); Delaware County (1); Fulton County (1); Jefferson County (1); Montgomery County (1), Oswego County (1), Rensselaer County (1), Sullivan County (2), Tioga County (1), and Tompkins County (1).

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

The proposed changes do not impose any additional reporting or recordkeeping obligations on permit holders; therefore, there will be no effect in rural areas.

#### 3. Costs:

The proposed provision allowing for immediate suspension of shellfish dealer permits may result in short term financial loss for permit holders who cannot operate during the suspension; however, these effects are minimized by allowing the permit holder to submit a corrective action plan at any point following suspension. Once the Department has confirmed that the conduct warranting suspension has been corrected, DEC will immediately lift the suspension. In many cases, suspension may benefit permit holders as it presents a shorter-term, less costly mechanism than permit revocation to address first-time deficiencies creating a threat to human health.

#### 4. Minimizing adverse impact:

As discussed above, any adverse impacts resulting from the addition of provisions related to shellfish dealer permit suspension are minimized by providing an immediate opportunity for permit holders to correct the conduct warranting suspension so that the suspension may be lifted immediately upon confirmation of compliance.

## 5. Rural area participation:

Following proposal of the rule, the Department will receive comment from the public, including in rural areas, for 60 days. Upon publication in the state register, the Department's Division of Marine Resources will send direct notice to all shellfish dealer permit holders in the State, including instructions to comment and a link to the Department's webpage on the proposed rule.

**Job Impact Statement**

## 1. Nature of Impact:

ECL section 13-0315(3)(f) states that the Department may suspend a shellfish dealer permit at any time for failure to comply with the conditions of the permit. Pursuant to the proposed Part 39, DEC may immediately suspend a shellfish dealer permit where violations by the permit holder of the ECL, regulations, or permit conditions result in a demonstrable threat to public health and safety. This change may result in short term financial loss for permit holders who cannot operate during the suspension; however, these effects are minimized by allowing the permit holder to submit a corrective action plan at any point following suspension. Once the Department has confirmed that the conduct warranting suspension has been corrected, DEC will immediately lift the suspension. In many cases, suspension may benefit permit holders as it presents a shorter-term, less costly mechanism than permit revocation to address first-time deficiencies creating a threat to human health. Given this, this change is unlikely to result in a substantial adverse job impact.

## 2. Categories and Numbers Affected:

This rulemaking is unlikely to have a substantial adverse job impact.

## 3. Regions of Adverse Impact:

This rulemaking is unlikely to have a substantial adverse job impact.

## 4. Minimizing Adverse Impact:

As discussed above, any adverse impacts resulting from the addition of provisions related to shellfish dealer permit suspension are minimized by providing an immediate opportunity for permit holders to correct the conduct warranting suspension so that the suspension may be lifted immediately upon confirmation of compliance.

ranted depletion of patients' \$50,000 no-fault insurance benefits as a result of exorbitant prices for the purchase of DME for which no price is set in the workers' compensation DME fee schedule, and unlimited rental charges that could far exceed the purchase price of the DME.

In order to mitigate the problems to the no-fault system stemming from the Chair's recent amendments to the workers' compensation DME fee schedule, the Superintendent deems it necessary to adopt an emergency amendment to 11 NYCRR 68 (Insurance Regulation 83) to cap the purchase and total accumulated rental of DME for which either no price has been established in the DME fee schedule or for DME not listed in the DME fee schedule. Such a cap will only provide a consistent reimbursement methodology for both listed and unlisted DME and safeguard against the unwarranted depletion of patients' \$50,000 no-fault insurance benefits because of unlimited rental charges.

For the reasons stated above, emergency action is necessary for the preservation of the general welfare.

**Subject:** Charges for Professional Health Services.

**Purpose:** To establish schedules of maximum permissible charges for professional health services payable as no-fault insurance benefits.

**Text of emergency rule:** Section 68.1(b)(1) is amended to read as follows:

(b)(1) The charges for services specified in Insurance Law section 5102(a)(1) and any further health service charges that are incurred as a result of the injury and that are in excess of basic economic loss, shall not exceed the charges permissible under the schedules prepared and established by the chair of the Workers' Compensation Board for industrial accidents that are in effect for purposes of no-fault at the time the charges are incurred. However, references to workers' compensation reporting and procedural requirements in such schedules do not apply to no-fault, e.g., requirements that provide for authorization to perform surgical procedures. The general instructions and ground rules in the workers' compensation fee schedules apply, but those rules that refer to workers' compensation claim forms, pre-authorization approval, time limitations within which health services must be performed, enhanced reimbursement for providers of certain designated services, *durable medical equipment being provided by a New York State Medicaid-enrolled supplier*, and dispute resolution guidelines do not apply, unless specified in this Part.

A new Part E of Appendix 17-C is added to read as follows:

*Part E. Durable medical equipment fee schedule.*

(a) *This Part shall apply to durable medical equipment not listed in the Official New York Workers' Compensation Durable Medical Equipment Fee Schedule and to durable medical equipment listed in the Official New York Workers' Compensation Durable Medical Equipment Fee Schedule<sup>1</sup> for which no fee has been assigned.*

(b) *As used in this Part, acquisition cost means the line-item cost to the provider from a manufacturer or wholesaler net of any rebates, discounts or valuable consideration, mailing, shipping, handling, insurance costs or sales tax.*

(c) *The maximum permissible purchase charge or the total accumulated rental charge for such durable medical equipment shall be the lesser of the:*

(1) *acquisition cost plus 50%; or*

(2) *usual and customary price charged by durable medical equipment providers to the general public.*

<sup>1</sup> *The Official New York Workers' Compensation Durable Medical Equipment Fee Schedule ("Fee Schedule"), published by the New York State Workers' Compensation Board, is hereby incorporated by reference in this Part. The Fee Schedule is readily available without charge at the following internet address: <http://www.wcb.ny.gov/content/main/hcpp/MedFeeSchedules/DME/dme-fee-schedule-2022-04-04.pdf>. The Fee Schedule is also available from the New York State Department of Financial Services, One State Street, New York, NY 10004.*

**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 27, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Camielle Barclay, New York State Department of Financial Services, One State Street, New York, NY 10004, (212) 480-5299, email: [Camielle.Barclay@dfs.ny.gov](mailto:Camielle.Barclay@dfs.ny.gov)

**Regulatory Impact Statement**

1. Statutory authority: Financial Services Law Sections 202 and 302 and Insurance Law Sections 301, 2601, and 5221 and Article 51.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent"). Financial Services Law Section 302 and Insurance Law Section 301, in material part, authorize the Superintendent to effectuate any power accorded to the Superintendent by the Financial Services Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law.

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## Department of Financial Services

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### EMERGENCY RULE MAKING

#### Charges for Professional Health Services

**I.D. No.** DFS-29-22-00002-E

**Filing No.** 488

**Filing Date:** 2022-06-30

**Effective Date:** 2022-06-30

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

**Action taken:** Amendment of section 68.1 and Appendix 17-C of Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 2601, 5221 and art. 51

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

**Specific reasons underlying the finding of necessity:** In June 2021, the Chair of the Workers' Compensation Board ("Chair") adopted, via regulation, amendments to its Official New York Workers' Compensation Durable Medical Equipment Fee Schedule ("DME fee schedule"), which took effect on April 4, 2022. The Chair's amendments update the list of DME that is available; increases the reimbursement amount for DME listed in the fee schedule; and creates a prior authorization process for certain DME listed in the DME fee schedule for which no reimbursement amount is assigned and for DME that is not listed in the DME fee schedule. As a result of these amendments, the Chair eliminated the lesser of acquisition cost plus 50% or usual and customary fee calculation for DME, the permissible charge for which no fee has been established. The Chair also required that all DME be provided by Medicaid-enrolled DME providers and capped the total accumulated rental charge for DME listed in the DME fee schedule to the purchase price of the DME.

The adoption of a prior authorization process in the DME fee schedule for certain DME would not apply to reimbursement for DME in the no-fault insurance system; therefore, no set prices for DME would be established for use in no-fault. The absence of a cost control measure in place for DME used in the no-fault system would result in the unwar-

Insurance Law Section 2601 prohibits insurers from engaging in unfair claim settlement practices and requires insurers to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies.

Insurance Law Section 5221 specifies the duties and obligations of the Motor Vehicle Accident Indemnification Corporation with respect to the payment of no-fault insurance benefits to qualified persons.

Insurance Law Article 51 establishes a no-fault insurance system for persons injured in motor vehicle accidents. Insurance Law Section 5108(b) authorizes the Superintendent to adopt the fee schedules prepared and established by the Chair of the Workers' Compensation Board (the "Chair") and to promulgate fee schedules for health care benefits payable under the no-fault system for any services for which the Chair has not prepared and established fee schedules. Section 5108(c) prohibits a provider of health services, as defined in Article 51, from requesting or demanding payment in addition to the amount authorized pursuant to Insurance Law Section 5108.

2. Legislative objectives: To establish schedules of maximum permissible charges for professional health services payable as no-fault insurance benefits to contain the costs of no-fault insurance.

3. Needs and benefits: In 2007, when the Chair established a durable medical equipment ("DME") fee schedule, the former Insurance Department repealed its 2004 no-fault DME fee schedule and adopted the Chair's DME fee schedule. In June 2021, the Chair adopted, via regulation, expansive amendments to its DME fee schedule, which took effect on April 4, 2022. The Chair's amendment updates the list of DME that is available; increases the reimbursement amount for DME listed in the fee schedule; and creates a prior authorization process for certain DME listed in the fee schedule for which no reimbursement amount is assigned and for DME that is not listed in the fee schedule. As a result of these amendments, the Chair eliminated the lesser of acquisition cost plus 50% or usual and customary fee calculation for the permissible purchase charge for DME for which no fee has been established. The Chair also required that all DME be provided by Medicaid-enrolled DME providers and capped the total accumulated rental charge for DME listed in the Chair's DME fee schedule to the purchase price of the DME.

The amendment to the Chair's DME fee schedule implementing a prior authorization process for certain DME does not apply to no-fault insurance pursuant to 11 NYCRR Section 68.1(b)(1). Therefore, for DME not listed in the Chair's DME fee schedule and for DME listed in the Chair's DME fee schedule for which no fee has been assigned, this amendment provides that the maximum permissible purchase charge or the total accumulated rental charge for such DME shall be the lesser of the: (1) acquisition cost (i.e., the line-item cost from a manufacturer or wholesaler net of any rebates, discounts, or other valuable considerations, mailing, shipping, handling, insurance costs or any sales tax) to the provider plus 50%; or (2) usual and customary price charged by DME providers to the general public.

This amendment is necessary to minimize unscrupulous DME providers' ability to inflate the purchase charge or rental charge for DME, which would result in the unwarranted depletion of patients' \$50,000 no-fault insurance benefits.

This amendment also provides that the workers' compensation requirement that all DME be supplied by Medicaid-enrolled DME providers does not apply to no-fault insurance. Insurance Law Article 51 does not require that a provider of health services rendered to a no-fault patient be authorized by the Department to render such services, nor does the Insurance Law impose any additional licensing or registration requirements on such providers.

4. Costs: This amendment does not impose any compliance cost on insurers, self-insurers, including self-insured local governments, or health service providers because this amendment only establishes the maximum reimbursement allowed in the no-fault system for the purchase and total accumulated rental of DME not listed in the Chair's DME fee schedule and for DME listed in the Chair's DME fee schedule for which no fee has been assigned.

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

6. Paperwork: This amendment does not impose any additional paperwork on any persons affected by the amendment.

7. Duplication: This rule does not duplicate, overlap, or conflict with any existing state or federal rule.

8. Alternatives: For DME not listed in the Chair's DME fee schedule and for DME that does not have a reimbursement amount in the Chair's DME fee schedule, the Department considered permitting reimbursement at the prevailing rate in the geographic location of the provider for the purpose of no-fault, but determined that doing so would result in significantly inflated charges for DME or limitless rental charges for DME that could far exceed the purchase price, resulting in the rapid depletion of

patients' \$50,000 no-fault insurance benefits and a significant increase in litigation over reimbursement rates for DME.

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

10. Compliance schedule: This amendment shall take effect upon the filing of the Notice of Emergency Adoption with the Secretary of State.

#### **Regulatory Flexibility Analysis**

1. Effect of rule: This amendment affects insurers, self-insurers, including self-insured local governments, and health service providers (collectively, "affected persons"). Industry has asserted that certain insurers, such as mutual and co-op insurers, fall within the definition of a "small business" as defined in State Administrative Procedure Act Section 102(8). In addition, certain self-insurers, such as taxis, may be small businesses and most health service providers are small businesses.

2. Compliance requirements: This amendment will not impose any additional reporting, recordkeeping, or other compliance requirements on any affected persons that may be small businesses or local governments affected by this rule.

3. Professional services: An affected person that may be a small business or local government should not need any professional services to comply with this amendment.

4. Compliance costs: This amendment does not impose any additional compliance costs on affected persons that may be small businesses or local governments because this amendment only establishes the maximum reimbursement allowed in the no-fault system for the purchase and total accumulated rental of durable medical equipment ("DME") not listed in the Official New York Workers' Compensation DME Fee Schedule ("Fee Schedule") and for DME listed in the Fee Schedule for which no fee has been assigned.

5. Economic and technological feasibility: An affected person that may be a small business or local government should not incur any economic or technological impact as a result of this amendment.

6. Minimizing adverse impact: This amendment should not have an adverse impact on an affected person that may be a small business or local government because the amendment uniformly affects all affected persons.

7. Small business and local government participation: Interested parties, including small businesses and local governments, will be given an opportunity to review and comment on the amendment once it is published in the State Register and posted on the Department's website.

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

1. Types and estimated numbers of rural areas: Health service providers, insurers, and self-insurers, including self-insured local governments, affected by this amendment do business in every county in this state, including rural areas as defined in State Administrative Procedure Act Section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: This amendment will not impose any additional reporting, recordkeeping or other compliance requirements on insurers, self-insurers, including self-insured local governments, and health service providers affected by this amendment.

Insurers, self-insurers, including self-insured local governments, and health service providers affected by this amendment should not need to retain professional services to comply with this amendment. This amendment only establishes the maximum reimbursement allowed, for purposes of no-fault insurance, for the purchase and total accumulated rental of durable medical equipment ("DME") not listed in the Official New York Workers' Compensation DME Fee Schedule ("Fee Schedule") and for DME listed in the Fee Schedule for which no fee has been assigned.

3. Costs: This amendment does not impose any additional costs on insurers, self-insurers, including self-insured local governments, and health service providers, because this amendment only establishes the maximum reimbursement allowed in the no-fault system for the purchase and total accumulated rental of DME not listed in the Fee Schedule and for DME listed in the Fee Schedule for which no fee has been assigned.

4. Minimizing adverse impact: This amendment uniformly affects insurers, self-insurers, including self-insured local governments, and health service providers throughout New York State. Therefore, it does not impose any adverse impact on rural areas.

5. Rural area participation: Interested parties, including those located in rural areas, will be given an opportunity to review and comment on the amendment once it is published in the State Register and posted on the website of the Department of Financial Services.

#### **Job Impact Statement**

This amendment should not have a substantial adverse impact on jobs or employment opportunities in New York State. The amendment only establishes, for the purpose of no-fault insurance, the maximum reimbursement allowed for the purchase and total accumulated rental of durable medical equipment ("DME") not listed in the Official New York Workers' Compensation DME fee schedule and for DME listed in such DME fee schedule for which no fee has been assigned.



## New York State Gaming Commission

### NOTICE OF ADOPTION

#### Removing the Requirement to Couple Entries with Jockeys with Relationships Among Them or with Other Participants in the Race

**I.D. No.** SGC-13-22-00001-A

**Filing No.** 498

**Filing Date:** 2022-07-05

**Effective Date:** 2022-07-20

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

**Action taken:** Amendment of sections 4025.10 and 4040.2 of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Removing the requirement to couple entries with jockeys with relationships among them or with other participants in the race.

**Purpose:** To enhance the integrity and safety of thoroughbred horse racing.

**Text or summary was published** in the March 30, 2022 issue of the Register, I.D. No. SGC-13-22-00001-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.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 New York Racing Association, Inc. ("NYRA"), the New York Thoroughbred Breeders, Inc. ("NYTB"), the New York Thoroughbred Horsemen's Association, Inc. ("NYTHA"), Thoroughbred horse owner Tina Maria Bond, and Thoroughbred trainer H. James Bond submitted public comment.

NYRA and NYTB each stated support for the proposal.

NYTHA stated support for the proposal and further urged the Commission to expand the proposal. NYTHA suggested that the rule should state that horses trained by those with relationships to other trainers are not required to be coupled. As an example, NYTHA objects to a coupling of entries when a trainer trains two horses in a race, one of which is owned by the trainer's spouse.

Thoroughbred horse owner Tina Maria Bond, whose husband trains horses she owns, submitted a comment objecting to the coupling of horses of hers with horses of unrelated owners when the coupled horses were both trained by her husband. Her comment did not address the elimination of mandatory coupling when persons related to jockeys are involved in the same race.

Thoroughbred trainer H. James Bond stated that "[t]his rule of coupling will be detrimental to my business as a public trainer," but did not explain how or why. His comment did not address the elimination of mandatory coupling when persons related to jockeys are involved in the same race.

None of the comments objected to the proposed rule, which eliminates mandatory coupling of entries when parties related to or associated with jockeys are involved with the horses to be coupled. There is no mandatory coupling of entries when persons related to the trainers of the horses are involved. Yet the NYTHA and Bond comments are directed at this different issue, which this proposed rulemaking does not address: the extent to which entries ought to be coupled when persons related to trainers are involved in the same race. In such circumstances, Rule 4025.10(e) applies, which gives the State steward discretion to require coupling when the stewards find it necessary in the public interest. To state that coupling is not required for trainers with such relationships is unnecessary, as no rule currently requires such coupling. The proposed rule's amendment of Rule 4025.10(f), on the other hand, is necessary because it affects a change in policy, namely the elimination of an existing mandatory coupling rule concerning jockeys. Furthermore, the NYTHA proposed language would

not address the example NYTHA states it wishes to address, in which a trainer's spouse may have an ownership interest in one of two horses trained by a spouse in the same race.

### NOTICE OF ADOPTION

#### Regulation of Charitable Gaming Games of Chance

**I.D. No.** SGC-13-22-00003-A

**Filing No.** 497

**Filing Date:** 2022-07-05

**Effective Date:** 2022-07-20

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

**Action taken:** Amendment of Parts 4600, 4601, 4603, 4606, 4607, 4608, 4610, 4611, 4620, 4622, 4624; repeal of section 4608.13 of Title 9 NYCRR.

**Statutory authority:** General Municipal Law, section 188-a(1), (9); Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19)

**Subject:** Regulation of charitable gaming games of chance.

**Purpose:** To conform games of chance rules to current statutes and improve operations.

**Text or summary was published** in the March 30, 2022 issue of the Register, I.D. No. SGC-13-22-00003-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Regulation of Charitable Gaming Raffles

**I.D. No.** SGC-13-22-00004-A

**Filing No.** 496

**Filing Date:** 2022-07-05

**Effective Date:** 2022-07-20

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

**Action taken:** Amendment of Parts 4601, 4602, 4620 and 4624 of Title 9 NYCRR.

**Statutory authority:** General Municipal Law, section 188-a(1); Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19)

**Subject:** Regulation of charitable gaming raffles.

**Purpose:** To conform raffles rules to current statutes and improve operations.

**Text or summary was published** in the March 30, 2022 issue of the Register, I.D. No. SGC-13-22-00004-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.ny.gov

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Racing License Hearing Requests and Service Methods

**I.D. No.** SGC-13-22-00005-A

**Filing No.** 499

**Filing Date:** 2022-07-05

**Effective Date:** 2022-07-20

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

**Action taken:** Amendment of sections 4002.9, 4101.24, 4205.1, 4300.6, 4500.2, 4500.3, 4550.3; addition of Part 5410 to Title 9 NYCRR.



**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Racing license hearing requests and service methods.

**Purpose:** To enhance the fairness and efficiency of adjudicatory proceedings.

**Text or summary was published** in the March 30, 2022 issue of the Register, I.D. No. SGC-13-22-00005-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, New York 12301-7500, (518) 388-3332, email: gamingrules@gaming.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

Two public comments were received. Each of the New York Thoroughbred Horsemen's Association, Inc. and the New York Thoroughbred Breeders Inc. expressed support for establishing a standard time period for requesting a hearing on horse racing license determinations.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Comprehensive Regulations for Interactive Fantasy Sports

I.D. No. SGC-29-22-00010-P

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

**Proposed Action:** Addition of Parts 5600-5613 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1405(1) and (2)(g)

**Subject:** Comprehensive regulations for interactive fantasy sports.

**Purpose:** To regulate interactive fantasy sports in New York.

**Substance of proposed rule (Full text is posted at the following State website: <https://www.gaming.ny.gov/proposedrules.php>):** These proposed new rules would implement Interactive Fantasy Sports ("IFS") contests in compliance with Article 14 of the Racing, Pari-Mutuel Wagering and Breeding Law. The proposal contains the following parts:

Part 5600 (General): Definitions applicable to Chapter VI of the regulations.

Part 5601 (Registration of Interactive Fantasy Sports Operators): Procedures governing the application form, the filing, processing, investigation and determination of IFS registration applications and the issuance of registrations. Officers and directors of an applicant as well as direct and indirect owners above certain thresholds would be investigated for suitability, applying statutory disqualifying criteria as well as whether participation in IFS would be inconsistent with the public interest, convenience or necessity of the best interests of IFS generally. Proposed contest types and internal controls would be required to be disclosed. Disclosure would be required concerning special purpose entities. Applicants denied a registration would have the right to request a de novo hearing pursuant to Commission procedures. The Commission would be permitted to grant an application, grant an application with conditions or deny an application.

Part 5602 (Permissible Contests): Criteria for permissible contests. These would include statutory standards as well as a requirement that contests shall not be based on proposition betting and shall not have the effect of mimicking proposition betting. Contests in which a contestant chooses whether an individual athlete or a single team will surpass an identified statistical achievement would be prohibited. Contest types would be subject to approval by the Commission, including proposals to offer contests for a sport, league, association or organization not previously offered, allowing the Commission to gauge corruption risk to underlying athletic competitions. Registrants would be required to disclose fees, the value of prizes offered, how many contestants have entered each contest and the amount of prizes distributed following the conclusion of each contest. Registrants would be required to identify any highly experienced player entering a contest. The proposed rule would prescribe a maximum number of entries per contestant in any contest.

Part 5603 (Requirements for Contests): Required disclosures to contestants. These rules are designed to assist contestants in understanding fully the nature and rules of the contests they may enter. Required information would include data on relevant rates of success of contestants, identification of experience level of contestants and lock times for contest

rosters. Prohibited contestants, including employees of registrants and athletes and officials of underlying athletic competitions, would be prohibited from disclosing insider information to potential contestants. Registrants would be prohibited from knowingly permitting a prohibited player associated with such registrant from making any such insider disclosure and would be required to take reasonable measures to prevent any such disclosures. To ensure that contest entries are based on skill, auto-picks of roster athletes for an IFS entry would be prohibited, but an assisted-draft mode would be permitted if based on automated selection based on criteria set by the contestant. Unauthorized computer scripts would be prohibited. Registrants would be prohibited from offering credit.

Part 5604 (Restrictions on play): Registrants would be required to adopt procedures to prevent play by prohibited contestants, such as employees of registrants and their families, athletes in underlying athletic events, sports agents and team and leagues employees and minors. Registrants would be strictly liable for violations, but would have the opportunity to present mitigating factors in regard to a violation, such as good-faith reliance on false or misleading information provided by the prohibited person and good-faith compliance with appropriate internal controls designed to prevent play by a prohibited person. Mandatory, escalating sanctions for violations are proposed. A registrant would be required to submit a compulsive play plan and implement self-exclusion procedures. A registrant would be authorized to exclude a contestant from the registrant's platform, such as for violations of disclosed terms and conditions of participation. Prizes won by prohibited persons would be null and void and, if discovered within one year, would require a registrant to recalculate contest winnings and compensate other contestants appropriately.

Part 5605 (Accounting Controls): Registrants would be required to have annual independent audits conducted of their financial statements and file such audited statements with the Commission. Registrants would be required to submit a copy of the management letter of an independent auditor listing any internal control or operational weaknesses and recommendations for improvement. The Commission would be authorized to order a registrant to conduct an additional review of internal controls, at the registrant's expense, and take appropriate corrective action. Certain accounting records would be required to be prepared and maintained. Registrants would be required to establish a special purpose entity to hold contestant funds in trust to establish protections from mismanagement of such funds and protect them from a registrant's creditors. The Commission would report irregularities in regard to the management of contestant trust monies to the Gaming Inspector General and to appropriate law enforcement officials for possible action in regard to the embezzlement of such funds. Registrants would have the option of posting an appropriate bond in lieu of establishing a contestant trust account. Registrants would be required to establish anti-money laundering policies, procedures and controls.

Part 5606 (Internal Controls): A registrant would be required to submit for Commission approval a system of internal controls, including a cybersecurity program, data retention requirements and complaint resolution procedures.

Part 5607 (Advertising and Marketing): Advertisements would be required to contain a compulsive play assistance message. Other requirements and restrictions would apply to advertising and marketing promotions to foster transparency and avoid association with minors.

Part 5608 (Misconduct, Associations and Duties to Promote Integrity): Registrants would be prohibited from associations with illegal gamblers. Registrants would be required to disclose material facts to the Commission in regard to dishonest and unlawful acts and suspicious activity.

Part 5609: (Reporting and Auditing): Registrants would have a continuing duty to disclose to the Commission any material change in business form or activity. The Commission would be authorized to require a registrant to engage, at the registrant's expense, an independent firm to review compliance with law and regulation. The Commission would be permitted to require a registrant to provide certification from an independent testing laboratory that the registrant's platform performs as such registrant represents to the public. The Commission would be permitted to require a registrant to engage an independent monitor acceptable to the Commission to supervise the registrant's operations, compliance or other activities.

Part 5610 (Taxes and Fees): The proposal would prescribe procedures for tax reporting and collection.

Part 5611 (Financial Stability): A registrant would be required to demonstrate and maintain financial stability.

Part 5612 (Complaints): A registrant would be required to establish procedures for receiving and resolving promptly consumer complaints.

Part 5613 (Penalties and Sanctions): The Commission would be permitted to suspend or revoke registrations and impose and collect fines for violations of law or regulations.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, NY 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

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

**Regulatory Impact Statement**

1. Statutory authority: The New York State Gaming Commission (“Commission”) is authorized to promulgate these rules pursuant to Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 104(19) and 1405(1) and (2)(g). Section 1405(1) empowers the Commission to promulgate regulations to implement Racing Law Article 14, Interactive Fantasy Sports (“IFS”). This authority includes rules for the registration of IFS contests and the conduct and operation of IFS contests and platforms, protections for compulsive play, safeguards honesty and integrity, and further protections of contestants. Paragraph (g) of Section 1405(2) applies the general powers of the Commission to the regulation of IFS. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations it deems necessary.

2. Legislative objectives: To regulate interactive fantasy sports in New York.

3. Needs and benefits: This rule making is necessary to regulate interactive fantasy sports (IFS) contests offered by registered IFS operators in New York.

The legislature has declared that certain forms of IFS are lawful games of skill and authorized the Commission to promulgate rules governing IFS contests and the registration of IFS providers. Racing Law Article 14. The proposal would add a new Chapter VI (Interactive Fantasy Sports) to Subtitle T of 9 NYCRR.

Part 5600 provides definitions for the IFS rules.

Part 5601 governs the registration of IFS operators (“registrants”) by the Commission with procedures for an application form, the investigation and determination of IFS registration applications, and the issuance of registrations by the Commission. Officers, directors and certain direct or indirect owners would be investigated for suitability, statutory disqualifying criteria and participation consistent with the public interest, convenience or necessity and the best interests of IFS generally. Registrants would be required to disclose their types of contests and internal controls for their operations. The Commission could grant or deny an application, or grant an application with conditions. Applicants whose registrations are denied may request a de novo administrative hearing before the Commission.

Part 5602 establishes the criteria for permissible contests. The criteria include statutory standards and require that contests cannot mimic proposition betting or award fantasy points based on an individual athlete or team surpassing a statistical benchmark. Contest types must be approved by the Commission and could not be contests in a previously unoffered sport or league that may create a corruption risk to athletic competitions. Registrants would be required to describe entry fees, the value of prizes, how many contestants may enter each contest, and the number of prizes for each contest. Registrants must also identify any highly experienced player who enters a contest and to prescribe the maximum number of entries each contestant may submit in a contest.

Part 5603 requires that registrants disclose additional information to help contestants understand the nature and rules of the contests. Required information would include the success rate of contestants, the experience level of contestants and lock times for contest rosters. Prohibited persons, such as employees of registrants and athletes and officials in underlying athletic competitions, cannot disclose insider information to contestants. IFS operators are prohibited from permitting insider disclosures and must take reasonable measures to prevent it. To ensure contests are based on skill, auto-picks of roster athletes will be prohibited except for automated assisted-draft modes based on criteria set by the contestant. Unauthorized computer scripts would be prohibited. Finally, IFS operators would be prohibited from offering credit to contestants.

Part 5604 would impose restrictions on IFS play. IFS operators must adopt procedures to prevent play by prohibited contestants, such as employees and their family members, the athletes in the athletic events, sports agents, team and league employees and minors. Registrants would be strictly liable for violations but may present mitigating factors regarding a violation, such as good-faith reliance on false or misleading information from the prohibited person or compliance with appropriate internal controls designed to prevent play by a prohibited person. Mandatory, escalating sanctions for violations are proposed. A registrant would be required to submit a compulsive play plan and have self-exclusion procedures. A registrant would be authorized to exclude a contestant from the registrant’s platform, such as for violating the terms and conditions of participation. Prizes won by prohibited persons would be null and void and if discovered within one year would require a registrant to redistribute contest winnings appropriately.

Part 5605 sets forth required accounting controls. Registrants would be required to have annual independent audits of their financial statements

and to file such audited statements with the Commission. Registrants must file a management letter of an independent auditor concerning any internal control or operational weaknesses and recommendations for improvement. The Commission may order a registrant to conduct an additional review of internal controls, at the registrant’s expense, and to take appropriate corrective action. Certain accounting records must be made and maintained. IFS operators would be required to establish a special purpose entity (SPE) and to hold contestant funds in trust, as a protection from mismanagement and creditors. The SPE may release contestant entry fees to the IFS operator only after paying the prizes and awards won by contestants when each contest ends. The Commission would report irregular management of contestant trust monies to the Gaming Inspector General and law enforcement officials for an investigation into possible embezzlement. Registrants may post an appropriate bond in lieu of establishing an SPE and holding contestant funds in trust. Registrants would also be required to establish anti-money laundering policies, procedures and controls.

Part 5606 would require a registrant to adopt approved internal controls that include a cybersecurity program, certain data retention requirements and complaint-resolution procedures.

Part 5607 regulates a registrant’s marketing and advertising, which must contain a compulsive play assistance message. Other requirements and restrictions would apply to advertising and marketing promotions to promote transparency and avoid association with minors.

Part 5608 requires registrants to have no association with illegal gamblers and to disclose material facts to the Commission regarding dishonest and unlawful acts and suspicious activity.

Part 5609 imposes reporting and ad hoc audit requirements. Registrants must disclose to the Commission material changes in business form or activity. The Commission may require a registrant to engage, at the registrant’s expense, an independent firm to review compliance with law and regulation and provide certification from an independent testing laboratory that the registrant’s platform performs as represented. The Commission may also require a registrant to engage an approved independent monitor to supervise the registrant’s operations, compliance or other activities.

Part 5610 prescribes procedures for tax reporting and collection.

Part 5611 requires registrant financial stability.

Part 5612 requires registrants to establish procedures for consumer complaints.

Part 5613 provides that the Commission may suspend or revoke an IFS provider’s registration and impose and collect fines.

This rule making is necessary to provide industry leading protections for contestants to play interactive fantasy sports in New York, and to permit new IFS providers, who have not qualified for temporary registrations, to be registered.

4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: The costs to regulated parties vary between larger and much smaller IFS companies.

The larger IFS companies already have the internal programs necessary to comply with the proposed rules. These programs enable the IFS company, for example, to verify the identity of customers and geographic location when an IFS contestant pays an entry fee. Such programs control improper wagering activity and determine when the payment of a contest entry fee occurs, for purposes of regulation and taxation, in a given jurisdiction.

The vendor fees to support these programs in New York are an estimated \$1.5 million annually.

The larger IFS companies must devote staff time and effort to maintain and operate these programs. They must also engage in other compliance activities including financial recordkeeping, compliance reporting, fraud monitoring, and programming related to the design and operation of contests. The staff compensation expense for New York will total an estimated \$750,000 annually.

The smaller IFS companies face different expenses to comply with the proposed rules. Annual cost for audited financial statements under proposed rule 5605.1(a) is estimated to range from \$5,000 to \$15,000, depending on the size of the company and complexity of its finances. The cost to create a special purpose entity under proposed rule 5605.5(a) is estimated to be \$1,000 to \$4,000 and \$1,500 to \$2,500 for its annual legal and accounting expenses.

The cost for smaller IFS companies to purchase and develop cybersecurity programs under proposed rule 5606.2 is estimated to range from \$25,000 to \$60,000. An annual cost of \$7,000 is estimated to conduct data-security risk assessments and program improvements. Changing software to retain session data for contest entries to comply with proposed rule 5606.3(a)(3) is estimated to cost \$4,500. The proposed rulemaking does not require an IFS company to report this data to the Commission. Contestant identification and geolocation tracking programs for the smaller IFS companies is estimated to cost \$3,000 to \$6,000, plus a vendor



fee of \$3,500. The annual vendor fee to support these programs is estimated to cost \$6,000.

Proposed rule 5609.3, to permit Commission access to open contests to simulate a contestant’s experience, is estimated to cost \$1,500 in software designing. Proposed rule 5609.4(a) would authorize the Commission to require an IFS company to have its contest platform certified by an independent testing laboratory. Such technical audits are estimated to cost from \$5,000 to \$15,000.

Smaller IFS companies’ overall cost to comply with the proposed rulemaking is estimated to range for establishing programs from \$31,000 to \$84,500 plus recurring annual expenses from \$24,500 to \$26,500.

(b) Costs to the agency, the State and local governments for the implementation and continuation of the rule: None. There is no cost to the agency because under the statute the agency bills the IFS companies for any costs incurred. There will be no costs to local government because only the Commission regulates interactive fantasy sports.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: The source of information and basis for the costs for larger IFS companies is information provided by one company temporarily registered to offer IFS contests in New York. The internal compensation expense is an estimate of the portion of time each department is required to spend on compliance issues. Both the vendor and compensation costs were adjusted downward by the proportion of the IFS company’s customers who entered contests from within New York in comparison to contestants from other jurisdictions.

The source of information and basis for the cost estimates for the smaller IFS companies is information provided by two such companies that are temporarily registered to offer IFS contests in New York. The software expenses and vendor fees are based on each company’s projections by on-staff experts, and the legal and accounting expenses were provided by their current service providers.

5. Local government mandates: None. The Commission is the only governmental entity authorized to regulate interactive fantasy sports activities. There are no local government mandates.

6. Paperwork: IFS providers who offer contests to persons in New York would be required to maintain responsible accounting records, make reports to the Commission, form a special purpose entity to manage contestant funds and hold contestant funds in trust (or post an appropriate bond), submit an annual audit, and arrange for compliance audits where required by the Commission.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives. The Commission considered the adoption of IFS regulations adopted in various forms by other states. Such regulations were not appropriate given the requirements of New York law. The Commission also determined that stronger consumer protections than elsewhere were necessary and appropriate.

9. Federal standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

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

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

The proposal would implement the statutory mandates for permitting interactive fantasy sports (IFS) contests to be offered in New York. A dominant share of the IFS market is held by two large out-of-state IFS companies, which offer IFS contests to participants from various jurisdictions with similar regulatory requirements. The other IFS companies are much smaller and have only a few (typically five or ten) employees. The impact of this proposal on small businesses and jobs, by implementing statutory mandates and consumer protections, is minimal.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

**Department of Health**

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

**Public Water Systems**

**I.D. No.** HLT-29-22-00003-P

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

**Proposed Action:** This is a consensus rulemaking to amend Subpart 5-1 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 225

**Subject:** Public Water Systems.

**Purpose:** Correct typographical errors and inconsistencies with the CFRs to obtain primacy enforcement authority under Safe Drinking Water Act.

**Text of proposed rule:** Subparagraph 5-1.43(c)(2)(i) is amended to read as follows:

(i) Any water system that maintains the range of State-specified values for the water quality parameters reflecting optimal corrosion control treatment during three consecutive years of monitoring in accordance with paragraph (1) of this subdivision may reduce the frequency with which it collects the number of distribution system samples for applicable water quality parameters specified in paragraph (1) of this subdivision from every six months to annually. This sampling shall begin during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of State-specified values for the water quality parameters reflecting optimal corrosion control treatment during three consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of distribution system samples for applicable water quality parameters specified in paragraph (1) of this subdivision from annually to every three years. *This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.*

Subclause 5-1.47(b)(2)(ii)(b)(I) is amended to read as follows:

(I) contact the State for [information regarding] a list of community based organizations serving target populations, even if they are not located within the water system’s service area, and deliver education materials to all appropriate organizations along with an informational notice that encourages distribution to all the organization’s potentially affected customers or community water system’s users as determined in consultation with the State[;]. *The water system must contact the State directly by phone or in person;*

Repeal Table 6 of section 5-1.52 and replace with a new Table 6 to read as follows:

**Table 6. Microbiological Contaminants Maximum Contaminant Level (MCL)/Treatment Technique Trigger (TTT)/ Treatment Technique Violation (TTV) Determination<sup>1</sup>**

Contaminant/ Trigger/ Violation	Sample Location	MCL or TTT or TTV	Performance Standard	Determination of MCL/TTV and TTV <sup>10</sup>
Total coliform <sup>2</sup>	Distribution Sample Sites	TTT <sup>3</sup>	No positive sample <sup>4, 5</sup>	A Level 1 TTT occurs at systems collecting 40 or more samples per month when more than 5.0 percent of the samples are total coliform positive. <sup>11</sup>
		TTT <sup>3</sup>		A Level 1 TTT occurs at systems collecting less than 40 samples per month when two or more samples are total coliform positive. <sup>11</sup>
		TTT <sup>3</sup>		A Level 1 TTT occurs at any system that fails to collect every required repeat sample after any single total coliform positive sample. <sup>11</sup>

Contaminant/ Trigger/ Violation	Sample Location	MCL or TTT or TTV	Performance Standard	Determination of MCL/TTV and TTT <sup>10</sup>	Contaminant/ Trigger/ Violation	Sample Location	MCL or TTT or TTV	Performance Standard	Determination of MCL/TTV and TTT <sup>10</sup>
		TTT <sup>6</sup>		A Level 2 TTT occurs at any system that has a second Level 1 trigger within a rolling 12-Level 1 TTT were total coliform positive and has established that the system has corrected the problem. <sup>11</sup>			TTV <sup>4</sup>		A TTV occurs when a seasonal system fails to complete a State-approved start-up procedure prior to serving water to the public. <sup>14</sup>
Escherichia coli (E. Coli)		MCL/TTT <sup>4</sup> 6	No positive sample <sup>5, 7</sup>	An MCL violation and Level 2 TTT occurs when a total coliform sample is positive for E. coli and a repeat total coliform sample is positive. <sup>13</sup>	<sup>1</sup> All samples collected in accordance with Table 11 footnotes 1 and 2 and Table 11B of this section and samples collected in accordance with subdivision 5-1.51(g) of this Subpart shall be included in determining compliance with the MCL, TTT, and/or TTV unless any of the samples have been invalidated by the State. In accordance with 40 CFR 141.852(a)(2) systems need only determine the presence or absence of total coliforms and E. coli; a determination of density is not required. <sup>2</sup> Total coliform method additions or modifications to approved methods. For total coliform (TC) samples collected from untreated surface water or GWUDI sources, the time from sample collection to initiation of analysis may not exceed 8 hours and the samples must be held below 10 degrees C during transit to the laboratory. For other TC samples, the time from collection to initiation of analysis may not exceed 30 hours. Systems are encouraged, but not required, to hold TC samples below 10 degrees C during transit. <ul style="list-style-type: none"><li>• If the Total Coliform Fermentation Technique using standard methods 9221A or B is used, and if inverted tubes are used to detect gas production, the media should cover these tubes at least one half to two-thirds after the sample is added. Also, no requirement exists to run the completed phase on 10 percent of all TC-positive confirmed tubes. Additionally, lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth, if the system conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested, and this comparison demonstrates that the false-positive rate and false-negative rate for TC, using lactose broth, is less than 10 percent.</li><li>• If Membrane Filter Technique Standard Methods 9222A, B, and optionally C are used, MI agar also may be used. Verification of colonies is not required.</li><li>• If the Standard Methods Presence-Absence (P-A) Coliform Test, 9221D is used, six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.</li><li>• If the Total Coliform Membrane Filter Technique, Standard Methods 9222 A, B, C is used, MI agar also may be used. Verification of colonies is not required.</li><li>• For any TC testing it is strongly recommended that laboratories evaluate the false-positive and negative rates for the method(s) they use for monitoring TC. Laboratories are also encouraged to establish false-positive and false-negative rates within their own laboratory and sample matrix (drinking water or source water) with the intent that if the method they choose has an unacceptable false-positive or negative rate, another method can be used. It is suggested that laboratories perform these studies on a minimum of 5% of all TC-positive samples, except for those methods where verification/ confirmation is already required. Methods for establishing false-positive and negative-rates may be based on lactose fermentation, the rapid test for β-galactosidase and cytochrome oxidase, multi-test identification systems, or equivalent confirmation tests. False-positive and false-negative information is often available in published studies and/or from the manufacturer(s).</li></ul> <sup>3</sup> The system must complete a Level 1 assessment as soon as practical after exceeding a Level 1 TTT. The system must submit the completed Level 1 assessment form to the State within 30 days after the system learns that it has exceeded a trigger. Corrective actions shall be addressed in accordance with section 5-1.71(e) of this Subpart. <sup>4</sup> See Table 13 for public notification requirements. <sup>5</sup> If any total coliform or E. Coli sample is positive, repeat samples must be collected in accordance with Table 11B of this section. <sup>6</sup> A Level 2 assessment must be completed within 30 days after the system learns that it has exceeded a trigger. Corrective actions shall be addressed in accordance with section 5-1.71(e) of this Subpart. <sup>7</sup> For notification purposes, an E. coli MCL violation in the distribution system is a public health hazard requiring Tier 1 notification. At a ground water system, Tier 1 notification is required after initial detection of E.				
		MCL/TTT <sup>4</sup> 6	No positive sample <sup>5, 7</sup>	An MCL violation and Level 2 TTT occurs when a total coliform sample is positive for total coliform but negative for E. coli and a repeat total coliform sample is positive for E. coli. <sup>13</sup>					
		MCL/TTT <sup>4</sup> 6		An MCL violation and Level 2 TTT occurs when a total coliform sample is positive for total coliform but negative for E. coli and a repeat total coliform positive sample is not analyzed for E. coli. <sup>13</sup>					
		MCL/TTT <sup>4</sup> 6		An MCL violation occurs when a system fails to collect every required repeat sample after any E. coli positive routine sample.					
Fecal indicator: E. coli, and/or enterococci, and/or coliphage <sup>8</sup>	Untreated Water from a Ground Water Source	TTV	No fecal indicator in samples collected from raw source water from a groundwater source.	A TTV occurs when a raw water sample is positive for the fecal indicator contaminant and system does not provide, through process compliance monitoring, 4-log virus treatment during peak flow at first customer. If repeat sampling of the raw water is directed by the State and all additional samples are negative for fecal indicator, there is no TTV. <sup>9, 13</sup>					
Other trigger or violation		TTV <sup>4</sup>		A TTV occurs when a system exceeds a TTT and then fails to conduct the required assessment or corrective actions. <sup>12</sup>					

coli or other fecal indicator in raw source water, if the system does not provide 4-log virus treatment and process compliance monitoring, even if not confirmed with additional sampling.

<sup>8</sup>For any fecal indicator sample collected as described in section 5-1.52, Table 6, the time from sample collection to initiation of analysis may not exceed 30 hours. The system is encouraged but is not required to hold samples below 10°C during transit.

<sup>9</sup>If raw water source sample is fecal indicator positive, the water system, in consultation with the State, may collect an additional 5 samples within 24 hours at each source that tested fecal indicator positive. If none of the additional samples are fecal indicator positive, then there is no TTV. Note that Tier 1 notification must be made after the initial raw water fecal indicator positive sample, even if it is not confirmed with additional sampling.

<sup>10</sup>Failure to take every required routine or additional routine sample in a compliance period is a monitoring violation.

<sup>11</sup>Failure to analyze for *E. coli* following a total coliform positive routine sample is a monitoring violation.

<sup>12</sup>Failure to submit a monitoring report or completed assessment form after a system properly conducts monitoring or assessment in a timely manner is a reporting violation.

<sup>13</sup>Failure to notify the State following an *E. coli*-positive sample as required by 5-1.52 Table 13 and 5-1.77(a) of this Subpart in a timely manner is a reporting violation.

<sup>14</sup>Failure to submit certification of completion of State approved start-up procedure by a seasonal system is a reporting violation.

Footnote 4 of section 5-1.52 Table 11A is amended to read as follows:

<sup>4</sup>Samples must be taken and analyzed every day the system serves water to the public and the turbidity of the raw water exceeds [1.49] NTU. The samples count toward the weekly sampling requirement.

Section 5-1.80 is amended to read as follows:

The provisions of this section, and sections 5-1.81 through 5-1.83 of this Subpart apply to all public water systems, as defined in paragraph 5-1.1(cb) of this Subpart, supplied by a surface water source(s) or ground water source(s) directly influenced by surface water, provided the system serves 15 or more service connections or serves 25 or more persons. The requirements in this section for filtered systems apply to any system with a surface water or GWUDI source that is required to provide filtration, regardless of whether the system is currently operating a filtration system. All treatment must comply with the requirements of the Microbial Toolbox Components as described in 40 CFR 141.715 through 40 CFR 141.720. Any unfiltered systems that are in compliance with the filtration avoidance criteria in section 5-1.30(c) of this Subpart, are subject to the requirements in sections 5-1.80 through 5-1.83 of this Subpart pertaining to unfiltered systems. Wholesale system compliance with sections 5-1.81 through 5-1.83 of this Subpart is based on the population of the largest system in the combined distribution system. The above systems shall comply with the following requirements:

Clause 5-1.81(a)(1)(iii)(c) is repealed and replaced with the following:

(c) shall sample their source water for *Cryptosporidium* at least twice per month for 12 months, or at least monthly for 24 months, if, based on monitoring conducted under this subparagraph, they meet one of the following criteria:

(1) For systems using lake/reservoir sources, the annual mean *E. coli* concentration is greater than 10 *E. coli*/100 mL;

(2) For systems using flowing stream sources, the annual mean *E. coli* concentration is greater than 50 *E. coli*/100 mL; or

(3) The system does not conduct *E. Coli* monitoring once every two weeks for 12 months.

(4) Systems using ground water under the direct influence of surface water (GWUDI) must comply with the requirements of subclause (1) through (3) of this clause based on the *E. coli* level that applies to the nearest surface water body. If no surface water body is nearby, the system must comply based on the requirements that apply to systems using lake/reservoir sources.

(5) the State may approve an alternative to the *E. coli* concentration specified in subclause (1) and subclause (2) of this clause to trigger *Cryptosporidium* monitoring. This approval by the State will be provided to the system in writing and will include the basis for the State's determination that the alternative trigger concentration will provide a more accurate identification of whether a system will exceed the Bin 1 *Cryptosporidium* level specified in section 5-1.83(a)(2) of this Subpart.

Subdivision 5-1.92(a) is amended to read as follows:

(a) The supplier of water may request, and the department may grant, one or more exemptions from any treatment technique requirement, except

for filtration and disinfection of a surface water source in accordance with 5-1.30(b), (c) and (g) of this Subpart, and/or any MCL, except for *Escherichia coli* (*E. coli*). Exemptions may be granted to any public water system based on a finding that:

\* \* \*

(4) The supplier of water has not been granted a variance under section 5-1.90 of this Subpart.

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

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

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

**Consensus Rule Making Determination**

Statutory Authority:

The Public Health and Health Planning Council, subject to the approval of the Commissioner of Health, is authorized by section 225 of the Public Health Law to establish, and from time to time, amend and repeal sanitary regulations, known as the sanitary code of the State of New York.

Basis:

The proposed regulatory amendments are non-substantive and non-controversial. The amendment of 10 NYCRR Subpart 5-1 "Public Water Systems" of the State Sanitary code will correct typographic errors, update references and make minor technical revisions to conform the regulation with federal requirements to obtain primacy for the implementation and enforcement of federal drinking water regulations from U.S. Environmental Protection Agency.

**Job Impact Statement**

The Department of Health has determined that the proposed revisions will not have substantial adverse impact on jobs or employment opportunities. These correct mainly typographic errors and do not change the requirements water systems need to follow to implement the regulation.

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## Metropolitan Transportation Agency

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### EMERGENCY RULE MAKING

#### Requiring Mask Wearing Covering When Mandated for Indoor Facilities and Conveyances of the MTA and its Affiliates and Subsidiaries

**I.D. No.** MTA-16-22-00008-E

**Filing No.** 491

**Filing Date:** 2022-07-01

**Effective Date:** 2022-07-01

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

**Action taken:** Amendment of Part 1030 of Title 21 NYCRR.

**Statutory authority:** Public Authorities Law, section 1266(4) and (5)

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

**Specific reasons underlying the finding of necessity:** The emergency rule, which complies with the New York State Department of Health regulation mandating the wearing of masks on public transportation conveyances and indoor premises is necessary to safeguard public health and safety and to ensure through proper mask wearing that the public, health care providers, first responders, and other essential workers who rely on the Metropolitan Transportation Authority's subways, buses, and commuter trains to get to and from work, as well as the Metropolitan Transportation Authority's employees are protected during COVID-19 outbreaks.

As ridership increases it is imperative that all persons on the Metropolitan Transportation Authority's subways, buses, and commuter trains fully comply with the Centers for Disease Control and Prevention's Order(s), Executive Orders of the Governor of the State of New York and/or New York State or Federal regulations requiring them to properly wear a mask covering their nose and mouth while on public transportation conveyances and while indoors on public transportation premises. Research has found



that wearing a mask can reduce the rate of COVID-19 transmission significantly.

**Subject:** Requiring mask wearing covering when mandated for indoor facilities and conveyances of the MTA and its affiliates and subsidiaries.

**Purpose:** To safeguard the public health and safety by adding a rule requiring the use of masks in facilities and conveyances when mandated.

**Text of emergency rule:** Part 1030 Rules Governing the Conduct and Safety of the Public in the Use of the Terminals, Stations, Trains, Facilities, or Conveyance of the Metropolitan Transportation Authority

1030.1 Authorities covered by the rules of this Part

The rules set forth in this Part 1030 are established by the Metropolitan Transportation Authority (MTA) and applicable to it and to each of its affiliates and subsidiaries and each of their affiliates and subsidiaries including without limitation the New York City Transit Authority, the Manhattan and Bronx Surface Transit Operating Authority, the Staten Island Rapid Transit Operating Authority, the MTA Bus Company, the Long Island Rail Road Company, and Metro-North Commuter Railroad Company (each an "authority").

1030.2 Requiring Persons to Wear Masks

(a) At all times required by Order of the Centers for Disease Control and Prevention, [and/or] Executive Order of the Governor of the State of New York, and/or New York State or Federal Regulation every person on or in any terminal, station, train, facility, or conveyance (as those terms are defined in Parts 1040, 1044, 1050, 1085, and 1097 of this Subchapter) of any authority covered by this Part shall wear a mask that completely covers their mouth and nose. A mask should fit snugly but comfortably against the face and be secured to the head, with ties, ear loops, or elastic bands behind the head. A gaiter must have two layers of fabric or be folded to make two layers. Masks may be either manufactured or homemade and must be a solid piece of material without slits, exhalation valves, or punctures. Cloth masks should be made with two or more layers of breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source). Masks may be reusable or disposable. Medical masks and N-95 respirators fulfill this requirement.

The following do not meet this requirement:

- (1) masks worn in a way that does not cover the nose and mouth;
- (2) face shields or goggles (though face shields or goggles may be worn to supplement a mask that meets the above required attributes);
- (3) scarves, ski masks, balaclavas, or bandannas;
- (4) shirt or sweater collars (i.e., turtleneck collars) pulled up over the mouth and nose;
- (5) masks made from loosely woven fabric or that are knitted (i.e., fabrics that let light pass through);
- (6) masks made from material that is hard to breathe through (such as vinyl, plastic or leather);
- (7) masks containing slits, exhalation valves or punctures.

(b) The requirement to wear a mask shall not apply under the following circumstances:

- (1) while eating or drinking for brief periods, but only in locations where eating and drinking otherwise are permitted, or while taking medication, prolonged periods of mask removal are not permitted for eating or drinking, the mask must be worn between bites and sips;
- (2) while communicating with a person who is hearing impaired when the ability to see the mouth is essential for communication;
- (3) while a person is unconscious (for reasons other than sleeping), incapacitated, unable to be awakened, or otherwise unable to remove the mask without assistance;
- (4) when necessary to temporarily remove the mask to verify one's identity or when asked to do so by any police officer, peace officer, or authority employee;
- (5) when in outdoor areas of terminals, stations or facilities.

(c) The following categories of persons are not required to wear a mask:

- (1) a child under the age of two years;
- (2) a person with a disability who cannot wear a mask, or cannot safely wear a mask, because of the disability as defined by the Americans with Disabilities Act;
- (3) a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by applicable workplace safety guidelines or federal regulations.

(d) Any person who does not comply with the requirement to wear a mask that completely covers their mouth and nose may be barred from entering or remaining on or in any terminal, station, train, facility, or conveyance of any authority covered by this Part and also may be fined \$50 per occurrence. This rule shall be enforced by each of the authorities on or in its terminals, stations, trains, facilities, or conveyances by any person authorized by such authority to enforce its own rules and pursuant to the procedures established by such authority for enforcing violations of its rules.

*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. MTA-16-22-00008-EP, Issue of April 5, 2022. The emergency rule will expire August 29, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Theresa Brennan Murphy, Metropolitan Transportation Authority, 130 Livingston Street, Brooklyn, NY 11201, (718) 694-3901, email: theresa.murphy@nyc.com

#### **Regulatory Impact Statement**

**Statutory authority:** Section 1266(4) of the Public Authorities Law provides that the Metropolitan Transportation Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or any of its operating agencies. New York State Department of Health requires the wearing of masks while on public transit.

**Legislative objectives:** The Legislature has conferred on the Metropolitan Transportation Authority and its operating agencies the authority to ensure the safety of their passengers and employees. They have previously exercised that authority to adopt emergency rules of conduct governing the conduct and safety of the public in the use of their facilities by requiring persons to wear masks. The Legislature also expects that the Metropolitan Transportation Authority and its operating agencies will comply with applicable federal law including CDC Orders and/or the Executive Orders of the Governor of the State of New York, which this new emergency rule will ensure going forward.

**Needs and benefits:** The proposed rule is necessary to safeguard public health and safety to ensure that persons who rely on the Metropolitan Transportation Authority's subways, buses, and commuter trains to get to and from work and to travel around the New York City metropolitan area fully comply with all CDC Orders, Executive Orders and/or New York State or Federal regulations requiring that persons wear masks over the mouth and nose when traveling on trains, subways, buses and conveyances and while indoors at terminals, stations or facilities to try to limit the transmission of COVID-19 when necessary.

**Costs:**

(a) Regulated parties. The proposed rule governing conduct and safety does not impose new costs on passengers or others.

(b) State and local government. The proposed rule governing conduct and safety will not impose any new costs on State or local governments.

**Local government mandates:** The proposed rule does not impose any new programs, services, duties or responsibilities on local government. The New York City Police Department's Transit Bureau is already responsible with others in enforcing the New York City Transit Authority's Rules Governing the Conduct and Safety of the Public, and the MTA Police Department is responsible for enforcing the comparable rules and regulations governing the conduct and safety of the public on trains and stations operated by the Metropolitan Transportation Authority's two commuter railroads.

**Paperwork:** The proposed rule does not impose any new reporting requirements.

**Duplication:** The proposed rule does not duplicate, overlap, or conflict with any State or Federal rule.

**Alternatives:** No significant alternatives to this rule was considered.

**Federal standards:** The proposed amended rule does not exceed any Federal minimum standards.

**Compliance schedule:** There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency rule governing the conduct and safety of the public will be effective immediately.

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

A regulatory flexibility statement for small business and local governments, a rural flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

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

The agency received no public comment.

## Public Service Commission

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

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

**I.D. No.** PSC-29-22-00005-P

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

**Proposed Action:** The Commission is considering the notice of intent of 414 Gerard Owner LLC to submeter electricity at 414 Gerard Ave Bronx, New York and request for waiver of the requirement of an energy audit in 16 NYCRR section 96.5(k)(3).

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

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

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

**Substance of proposed rule:** The Public Service Commission (Commission) is considering the notice of intent filed by 414 Gerard Owner LLC on May 2, 2022, seeking authority to submeter electricity at a new rent stabilized, income-based rental building at 414 Gerard Avenue, Bronx, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison). Additionally, the petitioner requested waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(k)(3).

In the notice of intent, 414 Gerard Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

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

(22-E-0257SP1)

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

#### Minor Rate Filing

**I.D. No.** PSC-29-22-00006-P

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

**Proposed Action:** The Commission is considering a proposal filed by Hudson Valley Water Companies, Inc. to increase its annual total revenues by \$44,646, or 20.6%.

**Statutory authority:** Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (b) and (f)

**Subject:** Minor rate filing.

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

**Substance of proposed rule:** The Commission is considering a proposal filed by Hudson Valley Water Companies, Inc. (the Company) to amend its tariff schedule, P.S.C. No. 2 — Water, to increase the Company's annual revenues by approximately \$44,646, or 20.6%. The Company states that the proposed rate increase is necessary due to increased operating expenses such as purchased power, water treatment chemicals, repairs and maintenance, and water testing expenses. The last approved rate increase took effect on January 1, 2019. The proposed amendments have an effective date of December 1, 2022. The Company also requests waiver of the newspaper publication requirements as it will notify customers directly by mail.

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

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

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

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

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

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

(22-W-0357SP1)

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

#### Notice of Intent to Submeter Electricity

**I.D. No.** PSC-29-22-00007-P

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

**Proposed Action:** The Commission is considering the notice of intent of 150 East 23rd Street Condominium to submeter electricity at 150 East 23rd Street, New York, New York.

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

**Subject:** Notice of intent to submeter electricity.

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

**Substance of proposed rule:** The Commission is considering the notice of intent filed by 150 East 23rd Street Condominium, filed on February 23, 2022, seeking authority to submeter electricity at a new market-rate, condominium building at 150 East 23rd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, 150 East 23rd Street Condominium requests authorization to take electric service from Con Edison and then dis-



tribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(22-E-0114SP1)

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

**Replacement of Existing Cellular Antennas on a Transmission Tower**

**I.D. No.** PSC-29-22-00008-P

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

*Proposed Action:* The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. and New Cingular Wireless PCS, LLC to replace existing cellular antennas on Con Edison's transmission Tower E-10.

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

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

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

*Substance of proposed rule:* The Commission is considering a petition from Consolidated Edison Company of New York, Inc. (Con Edison) and New Cingular Wireless PCS, LLC (Cingular) filed on April 4, 2022, to replace existing cellular antennas on Con Edison transmission Tower E-10, located in the Town of Yonkers, Westchester County.

The petition states that the existing Cingular antennas occupy space on Tower E-10 pursuant to a license agreement signed with Con Edison in 2004, the terms of which were approved by the Commission. Any work on the tower structure itself will be performed by Con Edison employees, while other work will be done by contractors approved by ConEdison.

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

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

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

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

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

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

(22-M-0250SP1)

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

**Area Code Overlay As Relief of the Exhausting 716 Area Code**

**I.D. No.** PSC-29-22-00009-P

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

*Proposed Action:* The Commission is considering the petition of the North American Numbering Plan Administrator to add a new area code within the current 716 area code (Allegany, Cattaraugus, Chautauqua, Erie and Niagara Counties).

*Statutory authority:* Public Service Law, section 97(2)

*Subject:* Area code overlay as relief of the exhausting 716 area code.

*Purpose:* To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.

*Substance of proposed rule:* The Public Service Commission is considering a petition filed on June 16, 2022, by the North American Numbering Plan Administrator (NANPA) to overlay a new telephone area code over the existing 716 area code, which includes all or portions of Allegany, Cattaraugus, Chautauqua, Erie and Niagara Counties, to relieve a forecasted shortage of telephone numbers.

In accordance with standard telephone industry guidelines, NANPA bases its petition on a projection that forecasts the current 716 area code will exhaust available numbers in the second quarter of 2024. Per the petition, all existing 716 wireline and wireless telephone customers in the overlay area would retain their current 716 area code and telephone numbers; i.e., the new area code would cover requests for new phone numbers. The petition seeks approval of the proposed new area code in time to be implemented six months prior to the projected second quarter of 2024 exhaust date.

The implementation of a new overlay area code normally requires concurrent implementation of mandatory 10-digit dialing (the three-digit area code and seven-digit telephone number are required to complete a call) for all calls, whether local or long-distance. However, by the time the proposed 716 overlay area code becomes effective, customers in the 716 area code will already have transitioned to mandatory 10-digit dialing due to the national implementation of the "988" three-digit hotline to reach the National Suicide Prevention Lifeline which was completed in July 2022. Therefore, the timeline to implement the proposed area code will be shorter than in other previous overlay implementations because certain customer education and industry technical milestones will not be needed.

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

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

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

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

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

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

(22-C-0358SP1)

## Department of State

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### Updates to Educational Standards

**I.D. No.** DOS-29-22-00004-P

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

**Proposed Action:** Amendment of sections 176.3, 176.4, 176.15, 176.16, 176.20, 176.25, 177.1, 177.14; repeal of sections 176.26, 177.18(b); addition of sections 176.26, 177.8(c) and 177.18(b) to Title 19 NYCRR.

**Statutory authority:** Executive Law, section 91; Real Property Law, sections 441(3)(e), 442-h and 442-k

**Subject:** Updates to educational standards.

**Purpose:** Conform existing regulations to changes required relating to fair housing education.

**Public hearing(s) will be held at:** 11:00 a.m., Sept. 21, 2022 at 123 William St., 2nd Floor, New York, NY 10038.

**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://dos.ny.gov/regulatory-proposals>):** This proposal seeks to conform existing regulations to recent legislative changes concerning educational standards relating to obtaining and/or renewing a license under Article 12-A of the NY RPL.

On December 21, 2021, Governor Hochul signed a series of new bills into law, of which many were revised by chapter amendments. Accordingly, this proposal seeks to implement those laws and chapter amendments.

Under the new laws, licensees are required to take 2 hours of implicit bias and 2 hours of cultural competency education for renewal. These courses are taken within the existing 22.5 hours of required training. Accordingly, the proposal adds the required course work to existing regulations where required.

Under the new laws, applicants for licensure as a salesperson are required to take 2 additional hours of pre-licensing education in fair housing. Accordingly, the proposal adds the required course work to existing regulations where required.

Under the new laws, applicants for licensure as a broker are required to take an additional 32 hours of pre-licensing education. Accordingly, the proposal amends the existing curriculum to obtain a broker's license to allocate the additional 32 hours of which 10 hours have been devoted to specific fair housing issues.

To ensure that those applicants who have taken previously approved course work will not have to re-take entire classes, the Department is also proposing revisions to allow for supplemental courses which would satisfy any outstanding hours of education required by the NY RPL.

Under the new laws, approved educational providers must affirm, under the penalty of perjury, compliance with all applicable statutory and regulatory requirements pertaining to the instruction of the established curriculum. Additionally, the amended statute requires the Department to promulgate rules regarding penalties for non-compliance. Accordingly, the proposal amends existing regulations to provide for the required affirmation and non-discretionary statutory penalties for non-compliance.

The proposal also removes an exemption to the continuing education requirement which was repealed by the legislature but was never addressed in the Title 19 of the NYCRR. Accordingly, this revision is non-discretionary and intended to conform with the current version of NY RPL § 441.

**Text of proposed rule and any required statements and analyses may be obtained from:** David Mossberg, Esq., Department of State, 123 William Street, 20th Floor, New York, NY 10038, (212) 417-2063, email: david.mossberg@dos.ny.gov

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

**Public comment will be received until:** Five days after the last scheduled public hearing.

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

#### Regulatory Impact Statement

##### 1. Statutory authority:

Article 12-A of the NY RPL prescribes requirements for individuals to act as real estate brokers and salespeople. To ensure that brokers and salespeople are competent to transact business within the State, applicants for licensure must satisfy minimum hours of education set forth in the NY RPL. Specific authority to propose this rule is provided by NY RPL §§ 441(3)(e); 442-h; 442-k and Executive Law § 91.

##### 2. Legislative objectives:

Article 12-A of the RPL requires the Department to license and regulate real estate licensees. One of the purposes of Article 12-A is to ensure that licensed real estate brokers and salespeople are properly educated and trained. The rule making advances this legislative intent by conforming to non-discretionary legislative changes (see, L.2021, c. 686, § 1, eff. Sept. 21, 2022; L.2021, c. 688, §§ 1 to 3, eff. Sept. 21, 2022; L.2021, c. 697, §§ 1 to 4, eff. Dec. 21, 2022; L.2022, c. 90, § 1, eff. Dec. 21, 2022; L.2022, c. 100, § 1, eff. Sept. 21, 2022).

##### 3. Needs and benefits:

The rulemaking is needed to conform the existing education regulations concerning curriculum requirements to the recent legislative changes. As noted above, several amendments were passed into law to increase the required education for both original licensure and renewal. The new course work, as outlined in this proposal, will improve awareness, increase sensitivity to discrimination issues, and provide better instruction to those licensed under Article 12-A of the NY RPL. Providing this education will benefit the public and licensees, by establishing new standards for education devoted to topics of a significant public concern (e.g., implicit bias).

##### 4. Costs:

###### a. Costs to regulated parties:

The Department anticipates that there will be additional costs in terms of tuition fees by reason of the statutory increases in educational hours. Customarily, providers charge fees based on the number of credit hours taken and as the statutory changes have increased the total hours required for licensure, the Department anticipates a corresponding increase in tuition fees. These fees are anticipated to be incurred by those seeking a new license. Overall hours of continuing education have not been amended by statute and therefore the Department does not anticipate additional costs associated with education required to renew a license.

The Department anticipates that educational providers may incur some costs as a result of this proposal. It is anticipated that because of the reallocation of hours providers may incur costs associated with development and programming.

###### b. Costs to the agency, State and local governments:

The rule does not impose any costs to the agency, the state or local governments for the implementation and continuation of the rule. Existing staff will answer any questions about the regulatory changes and investigate and enforce compliance with the proposed rules.

##### 5. Local government mandates:

The rule does not impose any program, service, duty or responsibility upon any county, city, town, village, school district or other special district.

##### 6. Paperwork:

Education providers will have additional paperwork requirements inasmuch as pursuant to 2022 Sess. Law News of N.Y. Ch. 90 (S. 7730) providers will now have to submit affirmations to the Department confirming "compliance with all applicable statutory and regulatory requirements pertaining to the instruction of the established curriculum." NY RPL § 441(3)(c)(ii). Providers will be able to submit this paperwork electronically which will minimize impact and add efficiency.

##### 7. Duplication:

This rule does not duplicate, overlap or conflict with any other state or federal requirement.

##### 8. Alternatives:

The New York State Board of Real Estate (See, NY RPL § 442-i) participated in a series of meetings with various stakeholders to discuss and consider alternative variations of course subject matter and allocation of required hours within the real estate broker curriculum. After due consideration of various alternatives, the Board and the Department determined that the proposed course subject matter and allocation of hours was the preferred option and recommended said proposal.

##### 9. Federal standards:

There are no federal standards relating to this rule. Consequently, this rule does not exceed any existing federal standard.

##### 10. Compliance schedule:

This rule will be effective December 21, 2022 to coincide with the statutorily provided effective dates of the related amendments to the NY RPL. No cure period is being provided as this rule seeks to conform existing regulations to the effective dates required by statute. Further, no cure period is provided for the mandatory penalties imposed upon providers

that fail to comply with applicable requirements, as those are non-discretionary and the statute already provided sufficient notice to providers regarding the consequences for non-compliance.

#### **Regulatory Flexibility Analysis**

##### 1. Effect of rule:

This rule establishes the required course content for those seeking licensure as a real estate broker or salesperson, and those seeking to renew the same. This proposal amends existing regulations to conform to revisions in the NY RPL. Specifically, the proposal includes the additional topic areas for the 2-hour statutory increase in the education required to obtain a salesperson license, as well as the additional 32 hour statutory increase in the education required to obtain a license as a real estate broker. The rule also makes technical changes to existing rules to conform to prior amendments to the NY RPL.

##### 2. Compliance requirements:

Those seeking to obtain a new license will have to comply with the new statutorily mandated hours of education.

Existing licensees will be required to take new course work, in the areas outlined by this proposal, but the overall hours of education required to renew a license is unchanged.

Educational providers will have to submit new affirmations to the Department confirming compliance with all applicable statutory and regulatory requirements pertaining to the instruction of the established curriculum as required by NY RPL § 441(3)(c)(ii). Per statute, providers will be able to submit the same electronically which will add efficiency and minimize adverse impact.

The rule does not impose any compliance requirements on local governments.

##### 3. Professional services:

Prospective real estate licensees will not need to rely on any new professional services in order to comply with the rule. Prospective licensees are already required to complete qualifying education to obtain a license pursuant to Article 12-A of the NY RPL. Insofar as licensees must already attend and complete approved education courses, conforming the regulations to the recent statutory changes will not result in the need to rely on any new professional services that did not exist previously. The Department expects existing education providers may need to rely on professional services to amend existing curriculum and course materials.

The rule does not impose any compliance requirements on local governments.

##### 4. Compliance costs:

The Department anticipates that there will be additional costs in terms of tuition fees by reason of the statutory increases in educational hours. Customarily, providers charge fees based on the number of credit hours taken and as the statutory changes have increased the total hours required for licensure, the Department anticipates a corresponding increase in tuition fees. These fees are anticipated to be incurred by those seeking a new license. Overall hours of continuing education have not been amended by statute and therefore the Department does not anticipate additional costs associated with education required to renew a license.

The Department anticipates that educational providers may incur some costs as a result of this proposal. It is anticipated that because of the reallocation of hours providers may incur costs associated with development and programming.

##### 5. Economic and technological feasibility:

Insomuch as providers already offer education the increase in overall hours of education should not pose any economic or technological impediment.

##### 6. Minimizing adverse impact:

Insomuch as the Department is required to develop new course hours and content, as a result of recent legislation, the Department does not believe that there are any other alternatives that would minimize possible adverse economic impact.

##### 7. Small business participation:

Prior to proposing the rule, the Department discussed the general proposal at two (2) public meetings of the New York State Real Estate Board (See, NY RPL § 442-i). The public was given an opportunity to comment during the public comment period of these meetings and during public hearings. Notice of Proposed Rule Making will also be published by the Department in the State Register; publication of this proposed rule in the State Register will provide notice to local governments and additional notice to small businesses. Additionally, a public hearing will be held in relation to this proposal at which time additional public comment can be received.

##### 8. Cure period:

The proposal adds a new penalty for faculty that fails to comply with the educational requirements imposed by this proposal. The Department determined that a cure period was inappropriate as revised Section 441 of the NY RPL states: "The secretary of state shall promulgate penalties for faculty that fail to meet the obligations required under this section and

department of state regulations including, but not limited to, the temporary suspension of their instructor certificate for the first such failure and the revocation of their instructor certificate for any subsequent failure." In consideration of the legislative directive to impose mandatory penalties and that the original statute had a delayed effective date, the Department determined that a cure period would go beyond the legislative intent.

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

##### 1. Types and Estimated Numbers of Rural Areas:

This rule will apply to all individuals currently licensed pursuant to Article 12-A of the NY RPL and those seeking to obtain a license. Individuals licensed and those seeking to obtain a license operate throughout the state, including those in all 44 rural counties of the state. There are approximately 137,000 total licensees in the state.

This rule will also apply to course providers, of which there are approximately 251, approved to provide qualifying education, continuing education and/or supplemental education. Approved providers operate throughout state including in rural areas.

##### 2. Reporting, Recordkeeping and Other Compliance Requirements; and Professional Services:

The Department anticipates there will be reporting, recordkeeping and other compliance or professional services related to this proposal.

First, prospective licensees and those already licensed will have to rely on approved providers to satisfy the new education course work required by this proposal.

Second, schools authorized to provide the education will have to submit to the Department, per NY RPL § 441(3)(c)(ii), an affirmation under the penalty of perjury "attesting to compliance with all applicable statutory and regulatory requirements pertaining to the instruction of the established curriculum."

Other existing reporting, recordkeeping and other compliance requirements remain largely unchanged. Approved providers will be required to update course materials to comply with new curriculum requirements.

##### 3. Costs:

Individuals seeking a new license may incur additional costs associated with the additional hours for qualifying education. These costs can vary depending on the school. Schools may also incur additional costs with creating new course content but such costs are likely to be offset once a program is developed through student enrollment.

##### 4. Minimizing Adverse Impact:

Insomuch as the Department is required to develop new course hours and content, as a result of recent legislation, the Department does not believe that there are any other alternatives that would minimize the impact on rural areas.

##### 5. Rural Area Participation:

Prior to publishing this rule in the State Register, the Department posted a copy of the same on the Department's website to invite the public to provide comment. Additionally, the general proposal was discussed at 2 public meetings of the State Board of Real Estate where the public was invited to provide comment. It should be noted that the New York State Association of Realtors, which represents many licensees in rural areas, also participated in the development of this rulemaking. Further, when published in the State register those in rural areas will have an additional opportunity to participate.

#### **Job Impact Statement**

A job impact statement is not required because it is apparent from the nature and purpose of this rule that it will not have any substantial impact on jobs or employment opportunities. The proposal amends existing educational regulations to comply, in part, with non-discretionary statutory mandates. Though these changes, in part, include additional hours of new course content, such changes are not likely to represent a barrier to licensure. The Department notes, that the salesperson requirements are only increasing by 2 hours and though the broker course will now total 77 hours of instructions, it is only 5 more hours of classroom instruction than required in the State of Florida. Accordingly, the Department believes that these increases will not deter those seeking to become licensed. Moreover, since the overall hours of education are mandated by statute, the Department was unable to identify any alternatives that would minimize any impacts, if any existed, with respect to the proposal.



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## Office of Temporary and Disability Assistance

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### NOTICE OF ADOPTION

**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 (EO) No. 38, Signed by Governor Andrew M. Cuomo on January 18, 2012**

**I.D. No.** TDA-13-22-00023-A

**Filing No.** 495

**Filing Date:** 2022-07-05

**Effective Date:** 2022-07-20

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

**Action taken:** Repeal of Part 315 of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 17(a), (b), (k) and 20(3)(d)

**Subject:** 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 (EO) No. 38, signed by Governor Andrew M. Cuomo on January 18, 2012.

**Purpose:** 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.

**Text or summary was published** in the March 30, 2022 issue of the Register, I.D. No. TDA-13-22-00023-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Richard P. Rhodes, Jr., Office of Temporary and Disability Assistance, 40 North Pearl Street, 16C, Albany, NY 12243-0001, (518) 486-7503, email: richard.rhodesjr@otda.ny.gov

**Assessment of Public Comment**

The agency received no public comment.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Agriculture and Markets, Department of</b>		
AAM-24-22-00012-P .....	Holding and movement of captive cervids	Teleconference—August 25, 2022, 11:00 a.m. The telephone number to call in is (518) 549-0500 and the access code is 37265540.
<b>Environmental Conservation, Department of</b>		
ENV-23-22-00007-P .....	Prohibition of glyphosate use by State departments, State agencies, and public benefit corporations on State property	Electronic Webinar—August 17, 2022, 1:00 p.m.  Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the department’s proposed regulations webpage for 6 NYCRR Part 325 by June 8, 2022. The proposed regulations webpage for 6 NYCRR Part 325 may be accessed at: <a href="https://www.dec.ny.gov/regulations/125410.html">https://www.dec.ny.gov/regulations/125410.html</a>  Persons who wish to receive the instructions by mail or telephone may call the department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 325 public comment hearing.  The department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than August 5, 2022. The written request must be addressed to ALJ Timothy MacPherson, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to: ALJ Timothy MacPherson at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a>
ENV-28-22-00011-P .....	Forest Tax Law	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: <a href="https://www.dec.ny.gov/regulations/proproregulations.html">https://www.dec.ny.gov/regulations/proproregulations.html</a>  Persons who wish to receive the instructions by mail or telephone may call the department at (518) 402-9003. Please provide your first and last name, address and telephone number and reference the Part 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

**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.

**State, Department of**

DOS-29-22-00004-P ..... Updates to educational standards

Department of State, 123 William St., 2nd Fl., New York, NY—September 21, 2022, 11:00 a.m.





**ACTION PENDING INDEX**

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

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

For additional information concerning any of the proposals

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

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**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
<b>ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF</b>			
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
<b>AUDIT AND CONTROL, DEPARTMENT OF</b>			
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
<b>CANNABIS MANAGEMENT, OFFICE OF</b>			
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
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs	To establish minimum standards to control the spread of COVID-19 at residential congregate programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b>			
CFS-18-22-00008-P	05/04/23	Expanded eligibility for child care assistance	To expand eligibility for child care assistance in accordance with Social Services Law 410-w
CFS-23-22-00003-P	06/08/23	Exclusion of certain pre-K and kindergarten child day care providers from the definition of "child day care"	To exclude certain pre-K and kindergarten programs operated by public school districts from the definition of "child day care"
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-01-22-00019-P	01/05/23	Family Sick Leave	To increase amount of annual family sick leave from fifteen (15) to twenty-five (25) days for eligible M/C employees
CVS-01-22-00020-P	01/05/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-01-22-00021-P	01/05/23	Jurisdictional Classification	To classify positions in the 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 20, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-34-21-00001-P	08/25/22	Jail staffing requirements	To provide county governments and the City of New York an increased role and flexibility in determining officer staffing levels
CMC-15-22-00007-EP	04/13/23	Segregated confinement	Set minimum standards for the imposition of segregated confinement and the operation of RRUs in jails
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-08-22-00007-EP	02/23/23	Disposition for violations of the conditions of release	To bring Board regulations into compliance with recent amendments to the Executive Law
CCS-14-22-00010-P	04/06/23	Incarcerated Individual Correspondence Program	To further clarify facility mail processing procedures
CCS-16-22-00002-P	04/20/23	Limits On Administrative Expenses And Executive Compensation	To remove outdated references in the Department's regulations
CCS-16-22-00003-EP	04/20/23	Definitions, Standards of Incarcerated Individual Behavior, Special Housing Units, and Institutional Programs	To revise regulations to be in compliance with the new HALT legislation and applicable laws
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-45-21-00001-P	11/10/22	Commercial Production Credit Program	Update regulations to include a third party verification process for application submissions
EDV-22-22-00003-P	06/01/23	Restaurant Return-to-Work Tax Credit Program	To add the additional administrative process for the additional restaurant return-to-work tax credit
EDV-24-22-00011-EP	06/15/23	New York City Musical and Theatrical Tax Credit program	To update the administrative process for the program and conform to statute
EDV-25-22-00003-EP	06/22/23	COVID-19 Capital Costs Tax Credit program	To create the administrative process for the program
<b>EDUCATION DEPARTMENT</b>			
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures	To address volume of special education due process complaints in the New York City due process system



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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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<b>EDUCATION DEPARTMENT</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-33-21-00010-RP	11/16/22	Public Campaign Finance Program	Implementation of the Public Campaign Finance Program
SBE-39-21-00003-RP	09/29/22	Required Debates for Statewide Candidates Participating in the Public Campaign Finance Program	Outlines Debate Requirements for Statewide Candidates Participating in the Public Campaign Finance Program
SBE-46-21-00001-RP	11/17/22	Public Campaign Finance Board's Enforcement Procedure	Relates to how the Public Campaign Finance Board will enforce the public campaign finance provisions of the Election Law
SBE-16-22-00004-EP	04/20/23	Providing deadlines for entering voter history and providing list of affidavit voters	To conform regulatory provisions to canvassing provisions 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
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
*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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<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
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
ENV-29-22-00001-P	07/20/23	Special licenses and permits; Marine Resources licenses and permits - Uniform Procedures.	Update regulations to reflect the reestablishment of the Division of Marine Resources and creation of new licenses and permits.
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-42-21-00011-P	10/20/22	Disclosure requirements for certain providers of commercial financing transactions	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses
DFS-47-21-00006-P	11/24/22	Minimum Standards for the Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure	To hold insurers, plans and HMOs responsible for inaccurate provider directory information and replies to insureds' inquiries
DFS-50-21-00016-P	12/15/22	Debt Collection by Third-Party Debt Collectors and Debt Buyers	To clarify and modify standards for debt collection practices in New York
DFS-11-22-00001-P	03/16/23	Separate Accounts and Separate Account Contracts	To establish standards for separate accounts and separate account contracts
DFS-21-22-00002-P	05/25/23	Agent Training Allowance Subsidies for Certain Life Insurance and Annuity Business	To increase the maximum training allowance to reflect inflation
DFS-23-22-00004-P	06/08/23	Registration of Pharmacy Benefit Managers	To establish regulations for the registration and first annual report of pharmacy benefit managers
DFS-23-22-00005-P	06/08/23	Pharmacy Benefits Bureau	To establish the Pharmacy Benefits Bureau and revise the rules for the Drug Accountability Board
DFS-24-22-00010-P	06/15/23	Licensed Cashers of Checks; Fees	To change the maximum fee that may be charged by licensed check cashers and remove an automatic inflation adjustment
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-29-22-00010-P	07/20/23	Comprehensive regulations for interactive fantasy sports	To regulate interactive fantasy sports in New York.
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-19-22-00026-P	05/11/23	Charitable Contributions Thru State Employees Federated Appeals	To reflect efficiencies offered by modern business processes

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	..... exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-46-21-00005-P	..... 11/17/22	Nursing Home Minimum Direct Resident Care Spending	Every RHCF shall spend a minimum of 70% of revenue on direct resident care and 40% of revenue on resident-facing staffing
HLT-46-21-00007-P	..... 11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes
HLT-50-21-00002-EP	..... 12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease
HLT-50-21-00003-EP	..... 12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread
HLT-50-21-00004-EP	..... 12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors
HLT-07-22-00010-P	..... 02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-07-22-00011-P	..... 02/16/23	Surge and Flex Health Coordination System	Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency
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
HLT-29-22-00003-P	..... 07/20/23	Public Water Systems	Correct typographical errors&inconsistencies with the CFRs to obtain primacy enforcement authority under Safe Drinking Water Act

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HUMAN RIGHTS, DIVISION OF</b>			
HRT-21-22-00001-P	05/25/23	Required notice to Public housing program or assistance recipients regarding housing discrimination based on source of income	To comply with the requirements of Executive Law section 170-e
<b>LABOR, DEPARTMENT OF</b>			
LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations
<b>LAW, DEPARTMENT OF</b>			
LAW-49-21-00016-P	12/08/22	Charities regulatory framework and the use of gendered pronouns therein	Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their"
<b>LIQUOR AUTHORITY, STATE</b>			
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
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*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



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<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-17-22-00011-P	..... 06/27/23	Access to records and fees collected under the Freedom of Information Law	To make necessary technical updates and to conform with FOIL regarding collection of fees
LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
LPA-17-22-00013-P	..... exempt	Time-of-use rate options for commercial customers	To offer a new TOU rate option for commercial customers that is aligned with industry best practices
LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-17-22-00015-P	..... exempt	The start date of LIPA's smart meter opt-out fee	To update the start date of the smart meter opt-out fee due to early completion of the smart meter rollout
<b>MEDICAID INSPECTOR GENERAL, OFFICE OF</b>			
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.
<b>MENTAL HEALTH, OFFICE OF</b>			
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
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
MTA-16-22-00008-EP	..... 04/20/23	Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & 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
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders

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<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	..... 12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-37-21-00001-P	..... 09/15/22	Certified Residential Opportunities	To provide equity in opportunities for certified residential opportunities
PDD-40-21-00002-EP	..... 10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health
PDD-43-21-00003-ERP	..... 10/27/22	COVID-19 vaccines	To require vaccinations in certain OPWDD settings
PDD-07-22-00004-EP	..... 02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	..... 02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-10-22-00010-EP	..... 03/09/23	Training Flexibilities	To provide flexibility in training requirements
PDD-26-22-00005-P	..... 06/29/23	Gender Identity and Expression	To ensure people are treated with dignity and respect
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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

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



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<b>PUBLIC SERVICE COMMISSION</b>			
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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

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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
*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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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
<b>PUBLIC SERVICE COMMISSION</b>			
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.
PSC-29-22-00005-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-29-22-00006-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-29-22-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-22-00008-P	..... exempt	The replacement of existing cellular antennas on a transmission tower.	Whether authorizing the petition is in the public interest.
PSC-29-22-00009-P	..... exempt	Area code overlay as relief of the exhausting 716 area code.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.

**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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATE, DEPARTMENT OF</b>			
DOS-29-22-00004-P	09/21/23	Updates to educational standards.	Conform existing regulations to changes required relating to fair housing education.
<b>STATE UNIVERSITY OF NEW YORK</b>			
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
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-20-22-00013-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period July 1, 2022 through September 30, 2022
TAF-23-22-00006-P	06/08/23	Designation of a records appeals officer to decide appeals from departmental responses to requests for public access to records	To provide for greater flexibility in designating a records appeals officer to decide appeals under FOIL
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-01-22-00001-EP	01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
TDA-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
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-18-22-00001-P	05/04/23	Regulation of commercial motor carriers in New York State	To repeal or modify obsolete provisions, make technical changes, and implement non-discretionary statutory provisions
<b>WORKERS' COMPENSATION BOARD</b>			
*WCB-28-21-00009-RP	07/14/22	Telehealth	Provides the option for telehealth visits in some circumstances
WCB-09-22-00002-P	03/02/23	Intraoperative Neurophysiological Monitoring	To define IOM and clarify that remote IOM is prohibited except in very limited circumstances
WCB-20-22-00002-EP	05/18/23	Sacroiliac joint (SIJ) fusion and peripheral nerve stimulation	To add SIJ fusion and peripheral nerve stim to the list of Special Services requiring prior authorization to conform to the MTGs
WCB-26-22-00002-P	06/29/23	Pharmacy networks	To require carriers to notify pharmacies when there is a network



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REHABILITATE RESTROOMS

Hudson River Psychiatric Center  
Poughkeepsie, Dutchess County

Sealed bids for Project Nos. 47179-C, 47179-H, 47179-P and 47179-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rehabilitate Restrooms, Building 819, Hudson River Psychiatric Center, 10 Ross Circle, Poughkeepsie (Dutchess County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, August 10, 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 \$18,900 for C, \$2,400 for H, \$10,600 for P, and \$4,500 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 C, between \$25,000 and \$50,000 for H, between \$100,000 and \$250,000 for P, and between \$50,000 and \$100,000 for E.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten

percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 436 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on July 27, 2022 at 10 Ross Circle, Poughkeepsie, NY 12601, 4th Floor Conv. Rm. 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 Theresa Swehla (845-691-8968) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 0% 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](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

**PROVIDE  
CONCRETE REPAIRS**  
Empire State Plaza  
Albany, Albany County

Sealed bids for Project Nos. 47209-C, 47209-H, 47209-P and 47209-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Concrete Repairs, Empire State Plaza, Albany (Albany 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 Office of General Services, until 2:00 p.m. on Wednesday, July 27, 2022 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$102,500 for C, \$21,000 for H, \$21,000 for P, and \$21,000 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 value of \$4,100,000 for C, \$300,000 for H, \$300,000 for P, and \$300,000 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 contract that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Cook, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements

can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 1,092 days after the Agreement is approved by the Comptroller.

No pre-bid site visits have been scheduled for this project and prospective bidders are not allowed to visit the project site or facility buildings and grounds to take measurements or examine existing conditions.

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, 3% for the E trade contractor, 3% 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](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

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



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

By OGS - Design & Construction Group



# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

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

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE

Department of State  
F-2022-0271

Date of Issuance – July 20, 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-2022-0271a.pdf> and <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0271b.pdf>

In F-2022-0271 or the "Primus Residential Dock and Shoreline Improvements", the applicant – Ronald Primus – proposes to reface approximately 140 feet of bulkhead with vinyl sheathing. Install a 3 foot by 12 foot ramp and two 6 foot by 20 foot floating docks in an L-shape. Install four mooring poles, backfill with 25 cubic yards of clean granular fill.

The proposed project is located at 34 Orchard Neck Road in the Village of Center Moriches, Suffolk County on Orchard Neck Creek. The purpose of the proposed project is to allow the property owner access to the water for water dependent activities and to provide maintenance on the existing bulkhead.

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 19, 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](mailto: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-2022-0281

Date of Issuance – July 20, 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-2022-0281.pdf>

In F-2022-0281 or the "Greenwald Residential Dock", the applicant – Joshua Greenwald – proposes to construct a new 4 foot by 30 foot ramp up to a new 4 foot by 60 foot catwalk. At end of catwalk, install a new 3 foot by 12 foot aluminum ramp leading onto an 8 foot by 20 foot floating dock. In addition, the applicant proposes to install 3 piles to secure float into place and install 4 tie-off piling. Installation of 3 foot wide stairs from the top of the existing bulkhead to the beach.

The proposed project is located at One Pandion Road in the Town of Shelter Island, Suffolk County on Coecles Harbor. The purpose of the proposed project is to berth and service the property owner's boat and enhance access to the water for 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 19, 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](mailto: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-2022-0429

Date of Issuance – July 20, 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-2022-0429, 65 Cliff Drive, LLC is proposing to construct a new 90 foot long low sill bulkhead with a 10 foot return to the north and south. Also, proposed is the dredging of sediment from the canal immediately adjacent to the property to a depth of -1.0. The site is located private canal off Sag Harbor at 65 Cliff Drive, Southampton, NY, 11963.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/07/f-2022-0429cliffdrive.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 19, 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 Uniform Code Variance/Appeal Petitions

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

2022-0324 in the Matter of Thomas J. Curro Architect, PC, Thomas J. Curro, 32 Harding Parkway, Mount Vernon, NY 10552, for a variance concerning safety requirements, including ceiling height. Involved is a three family dwelling located at 249 Centre Avenue, City of New Rochelle, NY 10805, County of Westchester, State of New York.

2022-0341 in the Matter of Eddie Garcia, 10 Tall Oaks Drive, Wallkill, NY 12589, for a variance concerning safety requirements, including pool fencing. Involved is a one-family dwelling located at 10 Tall Oaks Drive, Town of Wallkill, NY 12589, County of Orange, State of New York.

2022-0342 in the Matter of Fast Forward Permits, Yossi Walter, PO Box 141, Tallman, NY 10982, for a variance concerning safety requirements, including fire apparatus access and remoteness. Involved is an educational building located at 609 Route 306, Suffern, NY 10901, County of Rockland, State of New York.

2022-0343 in the Matter of Gregory Ralph Architect, Kai Peter, 1924 Route 22E, Bound Brook, NJ 08805, for a variance concerning safety requirements, including unisex toilet room. Involved is a business located at 716-718 Saw Mill River Parkway, Village of Ardsley, NY 10502, County of Westchester, State of New York.

2022-0344 in the Matter of Matthew Cordone Architect, PLLC, Laurel C. Gaffney, PE, 92 North Broadway, Irvington, NY 10533, for a variance concerning safety requirements, including basement ceiling height. Involved is a residential building located at 200 Quaker Ridge Road, City of New Rochelle, NY 10804, County of Westchester, State of New York.

2022-0347 in the Matter of Site Design Consultants, Joseph C. Riina

P.E., 251-F Underhill Avenue, Yorktown Heights, NY 10598, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at 79 Harris Road, Katonah, NY 10536, County of Westchester, State of New York.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

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

2022-0327 In the matter of J. Shermeta, AIA of The Office University Architect, Cornell University, 639 Dryden Road, 125 Humphreys Service Building, Ithaca, New York 14853 for a variance concerning campus wide gender-neutral toilet room signage at Cornell University, City of Ithaca, County of Tompkins, State of New York.

2022-0345 In the matter of Anthony Paniccia of Delta Engineers, Architects and Surveyors, 860 Hooper Road, Endwell, New York for a variance for electrical connections to premanufactured structures known as Viridium Crypto Mining located at 3421 Vestal Road, Town of Vestal, County of Broome, State of New York.

2022-0350 In the matter of Anne and Dana Mueller, 20 The Byway, Ithaca, New York 14850 for a variance concerning a fire apparatus road width to an existing private lane located at 20 The Byway, Town of Ithaca, County of Tompkins, State of New York.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

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

2022-0349 Matter of Zaheer Master, 56 Otsego Avenue, Dix Hills, NY 11746, for a variance concerning safety requirements, including height under a girder/soffit. Involved is an existing dwelling located at 56 Otsego Avenue, Dix Hills, Town of Huntington, NY 11746, County of Suffolk, State of New York.

## PUBLIC NOTICE

### Department of State Uniform Code Variance/Appeal Petitions

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

2022-0351 In the matter of Alan Vogel of 108 Terrace Place LLC, P.O. Box 166, Trumansburg, NY 14886 for a variance concerning existing non-compliant guardrails and or handrails located at 108 Terrace Place, City of Ithaca, County of Tompkins, State of New York.

# COURT NOTICES

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## AMENDMENT OF RULE

### Uniform Civil Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Part 202.12-a of the Uniform Civil Rules for the Supreme and County Courts, effective July 1, 2022, to read as follows (new material underlined):

§ 202.12-a Residential Mortgage Foreclosure Actions; Settlement Conference

(a) Applicability. This section shall be applicable to residential mortgage foreclosure actions involving a home loan secured by a mortgage on a one- to four-family dwelling or condominium, in which the defendant is a resident of the property subject to foreclosure.

(b) Request for judicial intervention.

(1) At the time that proof of service of the summons and complaint is filed with the county clerk, plaintiff shall file with the county clerk a specialized request for judicial intervention (RJI), on a form prescribed by the Chief Administrator of the Courts, applicable to residential mortgage foreclosure actions covered by this section. The RJI shall contain the name, address, telephone number and e-mail address, if available, of the defendant in the action, and the name of the mortgage servicer, and shall request that a settlement conference be scheduled. *Any P.O. Box or other alternate addresses associated with the defendant of which the servicer or its attorney is aware shall also be listed.* If the mortgage servicer involved in the case and listed on the RJI is changed at any time following the filing of the RJI, plaintiff shall file with the court and serve on all the parties a notice setting forth the name and contact information of the new or substituted mortgage servicer.



