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**NEW YORK STATE**

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**REGISTER**

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- Training Flexibilities
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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 October 2, 2022
- the 45-day period expires on September 17, 2022
- the 30-day period expires on September 2, 2022

**KATHY HOCHUL  
GOVERNOR**

**ROBERT J. RODRIGUEZ  
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

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

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

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

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

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## Office of Cannabis Management

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### NOTICE OF ADOPTION

#### Conditional Adult-Use Retail Dispensary

**I.D. No.** OCM-13-22-00002-A

**Filing No.** 599

**Filing Date:** 2022-07-19

**Effective Date:** 2022-08-03

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

**Action taken:** Addition of Part 116 to Title 9 NYCRR.

**Statutory authority:** Cannabis Law, section 13

**Subject:** Conditional Adult-Use Retail Dispensary.

**Purpose:** The rule establishes the framework for a subset of retail licenses for the adult-use cannabis program in New York.

**Substance of final rule:** As required by section 13 of the Cannabis Law, Chapter II of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, and a new Part 116 added, to be effective upon publication of a Notice of Adoption in the New York State Register.

§ 116.1 Definitions. Section 116.1 defines terms used in Part 116, including but not limited to “licensee”, “conditional period”, “eligible applicant”, “fund”, “justice involved” “qualifying business”, and “true party of interest”.

§ 116.2 Application for Conditional Adult-Use Retail Dispensary License. Establishes the application process under the Office of Cannabis Management for persons interested in applying for a conditional adult-use cannabis retail dispensary license. The section also provides for the information that an applicant will be required to include in their application for the license and that the applicant must provide notification to the Office of any changes to such information.

§ 116.3 Attestations. Requires applicants to attest that they will, among other things, submit to the jurisdiction of New York courts, only obtain and sell adult-use cannabis product as permitted by the Cannabis Law and its rules and regulations, provide complete disclosure of required information, not attempt to conceal ownership or control over the operations, enter into a labor peace agreement with a bona fide labor organization, and comply with all applicable state and local laws, regulations and guidance.

§ 116.4 License Eligibility and Evaluation. Establishes the minimum requirements that an applicant must meet to be eligible for the conditional adult-use retail dispensary license. Establishes the criteria based on which the applicant will be evaluated to determine which applicant is issued a license. Establishes a process for selection of applicants in the event there are greater number of applicants than available licenses.

§ 116.5 Denials. Establishes the basis on which an application will be denied a license, including, among others, failure to submit materials by the required deadline, failure to submit fingerprints, failure to comply with state, local and federal laws, revocation of cannabis license in other jurisdictions, delinquency in filing any required tax returns and paying any amounts owed related thereto, violation of Cannabis Law.

§ 116.6 Application for Renewal or Transition. Establishes the process under the Office of Cannabis Management by which licensees can renew their registration within the conditional period. Requires the submission of a renewal application. Provides an opportunity for a licensee to transition to a non-conditional adult-use retail dispensary license upon the expiration of the four-year conditional period.

§ 116.7 Requirements and Prohibitions for Conditional Adult-Use Retail Dispensary License. Lists requirements for conditional adult-use retail dispensary licensees, including ownership and control requirements, compliance with all terms and conditions of any agreements approved by the Cannabis Control Board, including any loan and lease agreements, and compliance with all local and state laws and regulations.

§ 116.8 Suspension, Revocation, and Surrender. Establishes the process for deeming a license surrendered in the event the licensee fails to comply with all state and local laws, regulations and guidance. Establishes the process for ceasing operations in the event licensee wishes to cease operating a conditional adult-use retail dispensary.

§ 116.9 Severability. Provides for the severability of the provisions in the regulations in the event any provision or its application is found to be invalid.

**Final rule as compared with last published rule:** Nonsubstantive changes were made in section 116.4.

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

#### Initial Review of Rule

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

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

Changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

#### Assessment of Public Comment

On March 10, 2022, the Cannabis Control Board proposed a new Part 116 of Title 9 of the New York Codes, Rules and Regulations for Conditional Adult-Use Retail Dispensary concerning the applications and licensure of adult-use cannabis retail dispensaries. Notice of the proposed rulemaking appeared on the Office of Cannabis Management’s website on March 10, 2022 and in the State Register on March 30, 2022. Public comments were received from March 10 through May 31, 2022 and the Office received approximately 650 comments during this period.



This summary Assessment of Public Comment provides an overview of some comments frequently received during the public comment period and the Office's responses. Overall, many commenters expressed excitement for the first adult-use retail dispensaries in New York State and supported the inclusion of justice involved individuals. Commenters expressed support for the Board's approach and aspects of the proposed rules which commenters believed would maximize undoing of past harms. Many commenters focused their suggestions and questions on aspects of the proposed regulations that they perceived to be potential barriers for justice involved individuals who wish to apply for licensure. The full Assessment of Public Comment provides a response to all comments received during the public comment period and can be viewed on the Office's website at: [cannabis.ny.gov](http://cannabis.ny.gov).

Comments were received on the proposed definitions. Commenters suggested changes to the proposed definition of marijuana-related offense and suggested additional offenses be included in the definition. The proposed rules give the Office the authority to identify marijuana-related offenses beyond those listed in the definition. There may be marijuana-related offenses the Office deems beyond those listed in the proposed rules that it may identify and amend from time to time. While no changes to the proposed regulations were made as a result of these comments the Office will continue to make information about the definition of marijuana-related offense available in the online application and on the Office's website. Commenters also suggested changes to definitions of terms financier, passive investor, and true party of interest. Commenters expressed concern that the proposed rules would create barriers for applicants to obtain financing for their businesses. These comments made various specific suggestions to change these definitions in ways that would not require applicants or licensees to report information that they will be required to report under the proposed rules. Once again, the Office decided that no changes to the proposed regulations would be made as a result of these comments, however the Office will continue to clarify the reporting requirements on the Office's website.

Comments were received regarding the application for licensure. Commenters urged the Office to make all parts of the application straightforward and clear for applicants. Commenters requested the Office continue to clarify what information applicants will be required to submit and what documentation is acceptable to substantiate their application. Commenters suggested the Office provide ample support so that applicants did not feel forced to pay outside consultants or attorneys for assistance in completing the application or pay for template documents. The Office will make information available to applicants—both within the online application and on the Office's website—with guidance on how to complete application forms and therefore no changes to the proposed regulations were made as a result of these comments. The Office will provide applicants with various resources to complete the application. The Office will work with community groups, local governments, and other stakeholders to ensure potential applicants are aware of available resources. Applicants will not be required to utilize consultants or attorneys to complete their application, although some applicants may still choose to do so. The Office will make clear to applicants what materials they will not be required to provide until the final stage of their application.

Comments were received on the attestations. Commenters requested clarification on what the Office considers "good moral character" and whether the phrase would be used to preclude operators of legacy marijuana businesses from licensure. The Office does not intend the phrase "good moral character" to preclude legacy marijuana business operators from licensure if they are eligible applicants and selected by the Board for licensure. No changes to the proposed regulations were made as a result of these comments, but the Office will clarify in guidance.

Comments were received on license eligibility and evaluation. Commenters suggested many different changes to the eligibility requirements in the proposed rules. These suggestions did not have a clear common thread: some suggestions would result in a larger number of people being potential eligible applicants, whereas other suggestions would result in a smaller number of people being potential eligible applicants. Commenters also requested clarification on the documentation required to prove their eligibility, such as how applicants could prove their business was profitable if the IRS no longer maintains tax records. No changes to the proposed regulations were made as a result of these comments. The proposed regulations ensure successful entrepreneurs who have personally been affected by the disproportionate impact of the enforcement of cannabis prohibition through marijuana-related convictions, and nonprofits organizations that have served justice involved individuals, will own and control the first adult-use retail dispensaries in New York State. The Office will make information available to applicants—both within the online application and on the Office's website—on how to complete application forms, including what documentation is acceptable to substantiate eligibility.

Comments were received on applications for renewals and transition. Comments were received regarding the conditional nature of the license.

Commenters requested clarification on if licensees will be required to submit a "full application" for an adult-use retail dispensary license or if the application will be shortened for conditional licensees transitioning to an adult-use retail dispensary license. No changes to the proposed regulations were made as a result of these comments. The Office intends for the transition to a non-conditional license to be an administratively simple process for conditional licensees.

Comments were received on the requirements and prohibitions for the license. Commenters requested clarification from the Office on the nature of agreements which applicants would be required to enter into as described in section 116.7(c)(6) of the proposed rules. Commenters were concerned that the terms of agreements would be unfavorable and that licensees would be trapped in predatory arrangements. Commenters expressed a desire to apply for licensure without receiving location assistance from the Fund. The proposed rules only require licensees to enter into agreements which have been approved by the Board and made available by the Office. The proposed regulations do not insist upon applicants to use New York Social Equity Cannabis Investment Fund locations and provide for the allowance of an applicant to provide their own location that complies with the proposed regulations. The Office is working with the Fund to ensure that the location assignments are a benefit to all applicants to ensure their success.

After considering and evaluating the public comments received on the proposed Part 116 regulations, the Board determined that changes to the proposed regulations were not necessary. The Board and Office value the time commenters spent writing and submitting their comments to the Board. Although changes to the regulations were not necessary, the input received from the public will continue to influence the Board and Office's implementation of Cannabis Law and the proposed regulations. The Board understands there are many challenges facing potential applicants for conditional adult-use retail dispensary licenses and all adult-use cannabis license types, and will continue to work with potential applicants, the Chief Equity Officer, Cannabis Advisory Board, and other stakeholders to overcome these challenges.

## REVISED RULE MAKING NO HEARING(S) SCHEDULED

### Part 113 - Medical Cannabis

**I.D. No.** OCM-10-22-00017-RP

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

**Proposed Action:** Repeal of Part 1004 of Title 10 NYCRR; addition of Part 113 to Title 9 NYCRR.

**Statutory authority:** Cannabis Law, sections 13 and 43

**Subject:** Part 113 - Medical Cannabis.

**Purpose:** The proposed rule established the framework for the medical cannabis program in New York State.

**Substance of revised rule (Full text is posted at the following State website: <https://cannabis.ny.gov/cannabis-control-board-meetings>):** Part 1004 of 10 NYCRR is repealed and a new Part 113 of Chapter II, of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York is added, regulating medical cannabis in New York State to be effective upon publication of a Notice of Adoption in the New York State Register.

§ 113.1 Definitions defines terms used in Part 113, including but not limited to "certified patient", "condition", "medical cannabis product" "registered organization", "post-consumer recycled material" and "serious adverse event".

§ 113.2. Practitioner Eligibility establishes practitioner requirements and Board determination of practitioner eligibility to certify patients for medical cannabis.

§ 113.3 Practitioner Issuance of Certification outlines the patient certification process for eligible practitioners to issue a certification to patients with any of the conditions listed in this section, or any other condition certified by the practitioner, that are likely to receive therapeutic or palliative benefit from the treatment of medical cannabis to be able to receive medical cannabis products from a registered organization, including where a patient is either under eighteen (18) years of age or otherwise incapable of consent.

§ 113.4 Registration Filing Exemption for Certified Patients and Designated Caregivers provides the criteria by which certain persons may be exempt from filing a registry application with the Office for the purposes of participating in the medical cannabis program.

§ 113.5 Designated Caregiver Registration describes how a person, facility, or cannabis research license holder must be designated and



registered with the Office if they intend to handle medical cannabis products on behalf of certified patients and allows the Office to issue caregivers identification numbers which will be accepted in addition to registration identification cards.

§ 113.6 Application for Initial Registration as a Registered Organization establishes the application process for persons or entities seeking an initial registration to operate a registered organization. Provides that no person or entity shall engage in any activity, including but not limited to, the acquisition, cultivation, manufacturing or selling of medical cannabis without such registration. This section requires that an applicant provide all information as set forth, including, but not limited to a business plan, standard operating procedures, quality assurance plans, financial statements, ownership structures, and an environmental sustainability program plan. In addition, this section also imposes a duty on an applicant and once registered, the registration organization to ensure that all information supplied is not misleading, fraudulent or otherwise false. Further, an applicant is obligated to identify any conflict of interest that may currently exist or otherwise notify the Office if any should arise during the application process.

§ 113.7 Consideration of Registered Organization Applications describes what the Board takes into account when granting registered organizations applicants a registration, or an amendment to a registration; requires registered organization applicants to submit an application fee of \$10,000 and a registration fee for all approved registered organizations of \$200,000 for the registration period of two (2) years, which may be changed if the Board determines, in consideration of the nature and scope, or size of the activities the applicant is applying for, another fee should be applicable; requires the applicant allow for reasonable access to its facilities for inspection by the Office; and provides that while the registration period shall be valid for two years, the initial registration may be extended up to eleven months by the Office.

§ 113.8 Application for Renewal of Registered Organization Registrations establishes the application renewal process by which registered organizations renew their registration, including paying a renewal fee of \$10,000 and a registration fee of \$200,000, or other amount determined by the Board. The registration fee will be refunded to applicants who are not granted a renewal. This section provides an opportunity to submit additional information or to demand a hearing for registered organization applicants not granted a renewal and also requires registered organization to develop and submit a proposed plan for closure if a renewal applicant is denied.

§ 113.9 Registrations Non-Transferable prohibits the transfer or assignment of registrations issued under this Part and outlines the process and requirements when a registered organization seeks to make organizational change.

§ 113.10 Failure to Operate provides that a registration must be surrendered if a registered organization fails to begin operations, to the satisfaction of the Board, within six months of the issuance of a registration.

§ 113.11 Registered Organizations; General Requirements lists general requirements for registered organizations, including, but not limited to, making its books and facilities available for monitoring by the Office; quality assurance testing of medical cannabis products; implementing policies and procedures to investigate complaints and adverse events; closure procedures; as well as provides the general prohibitions for registered organizations, including, but not limited to, growing cannabis or producing medical cannabis at an unapproved site or facility, distributing no cost products or samples, materially modify or revise an operating plan, locating a dispensing site too close to school grounds or a house of worship, or changing the name of the registered organization without prior approval.

§ 113.12 Manufacturing Requirements for Medical Cannabis Products contains manufacturing requirements for medical cannabis products; details the requirements, standards and prohibitions for medical cannabis product packages and labels; and outlines the testing standards and provides a list of what is prohibited to be prepared or produced in any medical cannabis product.

§ 113.13 Requirements for Dispensing Sites details the requirements and prohibitions for the operation of dispensing sites; requires patient specific dispensing label and package safety insert to each medical cannabis product dispensed; and provides instructions of what to do if medical cannabis product is returned to the dispensing site.

§ 113.14 Security Requirements for Manufacturing and Dispensing Sites sets forth the minimum-security requirements for registered organization manufacturing and dispensing sites including while transporting medical cannabis; allows dispensing sites to display medical cannabis products subject to the securities requirements as provided by this section; authorizes dispensing sites to dispense to certified patients that have a valid certification, which shall also serve as a certified patient's registration card, and any of the expanded forms of acceptable government-issued identifications as well as prohibitions on when dispensing sites can dispense to certified patients.

§ 113.15 Laboratory Testing Requirements for Medical Cannabis Products outlines the minimum laboratory testing requirements for medical cannabis products.

§ 113.16 Pricing lays out the requirements for submitting pricing information for medical cannabis products.

§ 113.17 Medical Cannabis Market and Advertising outlines the requirements and prohibitions on the marketing and advertising of medical cannabis products as well as what the violations and penalties are should retail organizations fail to adhere to the regulation.

§ 113.18 Reporting Dispensed Medical Cannabis Products details recording and reporting requirements for dispensed medical cannabis products, including which system to file the information and the kinds of information needed to be provided.

§ 113.19 Prohibition on the use of Medical Cannabis Products in Certain Places imposes restrictions on the use of medical cannabis products in certain places, including smoking or vaping medical cannabis products in any location where smoking is prohibited and consuming medical cannabis products in any motor vehicle.

§ 113.20 Reporting Requirements for Registered Practitioners, Certified Patients and Designated Caregivers details reporting requirements for practitioners, patients and designated caregivers if certain information contained on their patient certification changes or if they lose their registry identification card.

§ 113.21 Proper Disposal of Medical Cannabis Products by Certified Patients or Designated Caregivers details the required disposal procedures for medical cannabis products by the certified patients or designated caregivers.

§ 113.22 General Prohibitions contains prohibitions applicable to the medical cannabis program, including, but not limited to, restrictions on opening medical cannabis products packaged by a registered organization, counseling on the use, administration and risks of medical cannabis products without training, or possession of medical cannabis products without identification or documentation that the certified patient or designated caregiver is authorized to possess medical cannabis.

§ 113.23 Practitioner Prohibitions outlines unauthorized activity for practitioners, including, but not limited to, directly or indirectly accepting, soliciting, or receiving any item of value from a registered organization, offering a discount or any other item of value to a certified patient, issuing certifications for themselves, or receiving or providing samples containing cannabis.

§ 113.24 Designated Caregiver Prohibitions and Protections details the requirements, responsibilities, and proscriptions on authorized activities by designated caregivers, including, but not limited to, prohibitions on serving more than 4 certified patients at any given time; protections against arrest, prosecution, penalty or denial of rights in any way due to their actions or conduct in association with this Part; and describes what is required for the designated caregiver to purchase medical cannabis product for the certified patient.

§ 113.25 Registered Organizations; Disposal of Medical Cannabis details the requirements for disposing medical cannabis, including but not limited to, disposing only medical cannabis that is rendered unrecoverable, disposing any medical cannabis that is outdated, damaged, deteriorated, contaminated or otherwise deemed not appropriate, lays out environmentally conscious provisions to dispose of organic waste for registered organizations generating more than ½ ton of organic waste a week, and that records of disposal be retained for at least 5 years.

§ 113.26 Energy and Environmental Standards and Regulations requires annual submissions of annual benchmarking for energy and water usage; details the lighting standards for indoor cultivation areas, requirements for dehumidification.

§ 113.27 Registered Organizations; Inspections and Audits provides that all registered organization premises and records be subject to inspection by the Office and includes requirements for addressing any deficiencies identified by such inspections.

§ 113.28 Referenced Materials contains all provisions incorporated by reference, including, but not limited to, certain state and federal laws, rules, and regulations.

**Revised rule compared with proposed rule:** Substantial revisions were made in sections 113.1(b), (c), (d), 113.4, 113.5(b)(1), 113.6(b)(2), (5), (12), 113.7(b)(8), (11), 113.11(a)(1), (c)(2)(iii), 113.12(a), (b), (c)(2)(i), (k)(3), (n), 113.13(a), (e), (k)(2), 113.14(l)(2), 113.17, 113.18(c), 113.24, 113.26, 113.27 and 113.28.

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

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

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

**Revised Regulatory Impact Statement****Statutory Authority:**

Section 13 of the Cannabis Law provides, in part, that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. These revised rules and regulations shall include, but not be limited to, cultivation, manufacturing, processing, transportation, distribution, testing, delivery and sale of medical cannabis, including the registration of organizations authorized to dispense medical cannabis.

Section 43 of the Cannabis Law provides that the Board shall promulgate regulations to implement Article 3 of the Cannabis Law, including, but not limited to, the certification of patients, lawful medical use, registration of organizations and designated caregiver facilities, reports, evaluation and research programs, home cultivation and protections for medical use of cannabis as well as the enforcement of these provisions.

**Legislative Objectives:**

To regulate, control, and tax medical cannabis, while making medical cannabis products safe, accessible, and available to certified patients, and protect the public.

**Needs and Benefits:**

The Cannabis Law officially transfers the legal responsibility of the oversight of medical cannabis from the Department of Health to the Office of Cannabis Management (Office) and comprehensively regulates the manufacture, sale and use of medical cannabis by striking a balance between making medical cannabis available to individuals in need of a treatment and protecting the public against risks to its health and safety. The revised rules accomplish this objective by establishing standards for practitioners who are certifying patients, registration requirements for certified patients, designated caregivers, designated caregiver facilities, and research license holders, application requirements for initial and renewal registration as a registered organization, requirements for manufacturing and dispensing sites of registered organizations, laboratory testing requirements, security requirements for manufacturing and dispensing sites, pricing, medical cannabis marketing and advertising by registered organizations, reporting of dispensed medical cannabis, prohibition of using medical cannabis products in certain places, and proper disposal of medical cannabis.

The revised rule establishes the framework necessary to govern medical cannabis and medical cannabis products for practitioners, patients, caregivers, registered organizations, dispensing sites, laboratory testing, pricing, packaging, labeling, marketing and advertising, prohibitive uses and reporting requirements.

The revised rule provides the structure for patient access to medical cannabis products in a manner that protects public health and safety. The needs listed below will be addressed by the revised rule.

- Practitioner requirements, as well as patient requirements, for certification are established. These requirements will benefit practitioners and their patients who may be helped from the use of medical cannabis for their condition.
- Certified patient, designated caregiver, designated caregiver facility, and research license holder registration requirements are defined, including additional requirements for patients under the age of eighteen (18) or incapable of consent. These requirements will benefit patients by providing them with the ability to purchase medical cannabis, and to provide a mechanism for facilities and researchers to assist patients as caregivers.
- The revised rule includes requirements for applications for initial and renewal registration as a registered organization. Additionally, public interest in granting registrations is addressed, and includes but not limited to consideration for minority owned business, woman owned business enterprises, disabled veteran-owned business, and communities disproportionately impacted as defined in section 87 of the Cannabis Law. These requirements will create diversity in the medical cannabis market, as well as benefit patients with considerations for geographical access to dispensing sites.
- Manufacturing, laboratory testing, and dispensing requirements are critical to protect public health and safety. The revised rule includes each of the requirements that a registered organization must comply with, including but not limited to extraction methods, standards for excipients, packaging and labeling, storage requirements, standards for concentration and contaminants, pharmacist oversight in dispensing sites, and dispensing label requirements.
- To help protect public safety and safeguard against diversion, security standards that address storage, video surveillance, alarm systems, as well as transport of medical cannabis by the registered organization are addressed.
- Prohibition on the use of medical cannabis in certain places, as well as other general practitioner, patient and caregiver prohibitions are included. The revised rule also establishes the process for marketing and advertising, pricing, reporting, and destruction of medical cannabis. These requirements will benefit the public by helping to prevent advertising

geared toward youth, prevent false advertising regarding the efficacy of medical cannabis products, and allow for consumption of medical cannabis products in a manner that aligns with the Clean Indoor Air Act.

- Provides for energy and environmental standards associated with medical cannabis energy and water usage, lighting for indoor cultivation areas, as well as dehumidification. These standards will address the concerns around the energy and environmental impact the medical cannabis program will imprint and addresses the balance between energy use for indoor cultivation and the use of dehumidifier and energy waste and energy efficiency.

**Costs:**

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

There will be costs associated with the revised rule to the regulated entity related to the application for registration as a registered organization. To apply for registration, an applicant must submit a \$10,000 non-refundable application fee. The \$10,000 non-refundable application fee will cover the cost to the Office in reviewing the application. A \$200,000 registration fee will be required for those applicants who are selected to be registered as registered organizations. The \$200,000 registration fee will serve as the registration fee for the registered organization's manufacturing and dispensing sites for a period of two-years. To renew, the registered organization must submit a non-refundable \$10,000 renewal application fee and will be required to pay a \$200,000 registration fee if the renewal is approved.

The revised rules set forth manufacturing and dispensing requirements for the registered organizations. There will be costs associated with the manufacture, laboratory testing, packaging, labeling and distribution of the medical cannabis products to dispensing sites. Costs will also be associated with the reporting requirements of the registered organization, security of the facilities, and labor.

The revised rules set forth laboratory testing requirements for the final product, which will impose a cost to the registered organization. Registered organizations will need to contract with laboratories permitted by the Office for testing. Independent laboratories permitted to perform testing on medical cannabis products will be required to pay an annual fee which includes a \$500 fee and an additional sum based on their annual test volume as described in 10 NYCRR 55-3.7.

The revised rules set forth energy and environmental standards and regulations which include annual benchmark reporting on energy and water usage, lighting standards for indoor cultivation areas and dehumidification.

There will be a cost to certified patients or their designated caregivers for the medical cannabis products that they purchase.

**Costs to State and Local Governments:**

The revised rule does not require the state or local government to perform any additional tasks and therefore the Office does not anticipate a cost associated to the medical cannabis program.

**Costs to the Office of Cannabis Management:**

The Office anticipates an increased administrative cost to support the ongoing monitoring and compliance for the medical cannabis program. The administrative costs will be covered by the application, registration and renewal fees received from registered organization applications and registration, as well as by the budget appropriations for the Office. Staff will be required to manage the applications for registered organizations submitted, as well as compliance associated with manufacturing, dispensing, security, laboratory testing, practitioner education, certified patient and designated caregiver certification and registry identification card processes, packaging, labeling, marketing, advertising and energy and environmental standards. The process for practitioner certification of patients and Office registration of patients will leverage an automated solution to the fullest extent possible.

There will be costs for laboratory services provided by the New York State Department of Health Wadsworth Center for any testing required to investigate compliance matters or serious adverse events.

**Local Government Mandates:**

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

**Paperwork:**

The paperwork associated with processing applications for entities who wish to become registered organizations in New York State will include business plans, standard operating procedures, and identification of real property, amongst other requirements. It is anticipated that processing applications will be ongoing as registered organizations apply and renew. Additionally, registered organizations seeking prior written approval of the Office for changes to their operation or ownership structure will need to submit documents needed for the Office to review and consider the request for approval or denial.

Paperwork will be associated with the maintenance of records for the registered organization's standard operating procedures, transportation

manifests, visitor logs, as well as other records required of the registered organization. Registered organizations are also required to submit dispensing data to the prescription monitoring program registry, which is an electronic submission and an annual benchmarking of energy and water usage report.

Practitioners will be required to maintain a copy of the patient's certification in the patient's medical record. The copy of the patient's certification may be maintained by the practitioner electronically.

Certified patients and their designated caregivers will be required to carry, either a hard copy or electronically, their certification at all times when in possession of approved medical cannabis products, except when the certified patient or designated caregiver is 21 years of age or older and has in their possession up to three ounces of cannabis or twenty-four grams of concentrated cannabis.

#### Duplication:

Since Title 10 Part 1004 will be repealed with the adoption of this revised rule, the revised rule does not duplicate any existing State or federal requirements that are applicable to a medical cannabis program.

#### Alternatives:

There are no alternatives to the adoption of the revised rules to be considered during the regulatory process since the revised rules are required by Section 13 and 43 of the Cannabis Law.

The revised rules include some alternatives to the regulations set forth in Title 10 Part 1004. The alternatives included in the revised rule help ease administrative costs to the Office, as well as minimize operating costs for registered organizations in a manner that will continue to protect public health and safety. The alternatives include, but are not limited to the following:

- Streamlining registered organization application requirements;
- Modifying the packaging and labeling requirements to address the opportunity for recycling programs and incorporate language prohibiting packaging that markets to youth;
- Changing the video surveillance requirement for registered organization facilities from continuous recording 24 hours a day to allow for motion-activated recording after business hours; and
- Creating a streamlined registration process for certified patients to be able to access medical cannabis product faster.
- Adding requirements for energy and environmental requirements to understand and minimize energy or environmental waste.

#### Federal Standards:

Federal requirements do not include provisions for a medical cannabis program.

#### Compliance Schedule:

The revised rule will take effect upon publication of a Notice of Adoption in the New York State Register. Registered organizations that have existing manufacturing facilities will have one year following publication of the Notice of Adoption to come into compliance with the energy and environmental standards set forth in Section 113.26.

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

##### Effect of Rule:

This revised rule will allow registered organizations, as described in Article 3 of the Cannabis Law, to manufacture, distribute and sell approved medical cannabis products in New York State. Each registered organization may have up to four dispensing sites, wholly owned and operated by the registered organization. Registered organizations may have an additional four dispensing sites, with the first two additional sites located in underserved or unserved geographic locations, as determined by the Cannabis Control Board (Board). Registered organizations currently registered under 10 NYCRR Part 1004 include multi-state operators that are not considered small businesses as defined by Cannabis Law. Accordingly, there are no expected costs to existing small business establishments or government entities in New York State.

##### Compliance Requirements:

The revised rule requires an annual benchmark of energy and water usage to be submitted to the Board. In addition, new energy and environmental standards are implemented which may impact those who become registered organizations. Compliance requirements will be limited to the entities who become registered as a registered organization, and for those registered organization with existing manufacturing facilities, they must come into compliance with the energy and environmental standards one year from the date of adoption of these revised rules.

##### Professional Services:

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

##### Compliance Costs:

Since there are no small business entities which currently provide for the manufacture, distribution and dispensing of medical cannabis, the revised rule does not impose an economic impact on any existing small business entity. Entities who wish to become a registered organization will incur costs associated with the application fee and registration fee, as well

as building and operation of facilities to manufacture, distribute and dispense the approved medical cannabis product. For those registered organization with existing manufacturing facilities who must come into compliance with the energy and environmental standards, there may be cost associated with adherence to the new energy and environmental standards in existing buildings. However, since no registered organization currently provides manufacturing, there is no registered organization with existing manufacturing facilities. Laboratory testing of the final product, which will also incur a cost to the registered organization, will be required. The manufacture of the plant into approved dosage forms and product testing are required to minimize the risk of adverse events to patients from mislabeled products or products containing contaminants.

##### Economic and Technological Feasibility:

This revised rule is economically and technologically feasible. Statute requires the registered organization to pay a 7% excise tax to the Commissioner of Tax and Finance. This tax will provide for a return of 22.5% to the counties in New York State where medical cannabis is manufactured, 22.5% to the counties in New York State in which the medical cannabis is dispensed, 5% to the Division of Criminal Justice Services and 5% to the Office for Addiction Services and Supports.

##### Minimizing Adverse Impact:

The revised rule will apply to practitioners who wish to complete the educational requirement in order to issue certifications to patients for medical cannabis. Practitioners in rural areas of the state may complete one of the courses offered, which include online courses, to make the course easily accessible to all practitioners who wish to issue certifications to patients for medical cannabis. Designated caregivers are authorized to obtain medical cannabis products from dispensing sites to increase accessibility to patients in rural areas.

These revised rules will allow for the manufacture, distribution, and sale of medical cannabis to patients certified by an eligible practitioner for their condition. To minimize the potential for patient adverse effects associated with the use of medical cannabis, the regulations include requirements for the forms of cannabis that registered organizations may manufacture. In addition, the revised rule would require laboratory testing of the final manufactured product by a laboratory permitted by the Office of Cannabis Management and located in New York State.

Finally, the revised rules impose an annual benchmark for energy and water usage and requires a report each year to be submitted to the Office.

These requirements do not create an adverse impact to small business and local governments.

##### Small Business and Local Government Participation:

The revised rule was developed in response to feedback from multiple organizations, legacy registered organizations established under 10 NYCRR part 1004, state agencies, advocates and patients who have provided feedback and suggestions for programmatic improvements to the medical cannabis program since its implementation. There will be a 45-day public comment period with the regulations that will allow for additional comments to be considered.

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

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

Outside of major cities and metropolitan population centers, the majority of counties in New York State contain rural areas. Entities who wish to become a registered organization may have up to four (4) dispensing sites and may have an additional four (4) provided however, that, the first two must be located pursuant to the revised rules Section 113.7 and Section 35 of the Cannabis Law. The selection of registered organizations will take into account unserved or underserved geographic distribution to ensure the needs of patients in rural areas are met. The ability for a patient to designate a caregiver, as well as delivery from registered organizations, was included in the regulations to increase accessibility to patients in rural areas.

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

The revised rule requires an annual benchmark of energy and water usage to be submitted to the Board. In addition, new energy and environmental standards are implemented which may impact those who become registered organizations. While no new professional services will be required of these entities in rural areas, compliance requirements will be limited to the entities who become registered as a registered organization, to practitioners who certify patients, and to those patients who are certified and register with the program. Those registered organization with existing manufacturing facilities must come into compliance with the energy and environmental standards one year from the date of adoption of these revised rules.

##### Costs:

While there are two registered organizations located in rural areas in New York State, however, there are no small business entities which currently provide for the manufacture, distribution and dispensing of medical cannabis, the revised rule does not impose an economic impact on any



existing small business entity. For those registered organization with existing manufacturing facilities who must come into compliance with the energy and environmental standards, there may be cost associated with adherence to the new energy and environmental standards in existing buildings. However, since no registered organization currently provides manufacturing, there is no registered organization with existing manufacturing facilities.

#### Minimizing Adverse Impact:

The revised rule will apply to practitioners who wish to complete the educational requirement in order to issue certifications to patients for medical cannabis. Practitioners in rural areas of the state may complete one of the courses offered, which include online courses, to make the course easily accessible to all practitioners who wish to issue certifications to patients for medical cannabis. Designated caregivers are authorized to obtain medical cannabis products from dispensing sites to increase accessibility to patients in rural areas.

These revised rules will allow for the manufacture, distribution and sale of medical cannabis to patients certified by an eligible practitioner for their condition. To minimize the potential for patient adverse effects associated with the use of medical cannabis, the regulations include requirements for the forms of cannabis that registered organizations may manufacture. In addition, the revised rule would require laboratory testing of the final manufactured product by a laboratory permitted by the Office of Cannabis Management and located in New York State.

These requirements do not create an adverse impact on public or private entities in rural areas.

#### Rural Area Participation:

The revised rule was developed in response to feedback from multiple organizations, state agencies, advocates and patients who have provided feedback and suggestions for programmatic improvements to the medical cannabis program since its implementation. There will be a 45-day public comment period with the revised rules that will allow for additional comments to be considered.

#### Revised Job Impact Statement

The proposed rule will allow for the creation of new jobs to support the activities of registered organizations registered by the Office of Cannabis Management as well as other ancillary businesses participating in medical cannabis. This Office has determined that there are no foreseeable adverse impacts on jobs.

#### Assessment of Public Comment

The New York State Cannabis Control Board (the "Board") and Office of Cannabis Management (the "Office"), collectively, received over 150 comments in response to the proposed regulation adding a new Part 113 to Title 9 of the Code, Rules and Regulations of the State of New York relating to medical cannabis. Public comments were received from industry stakeholders, including the general public and industry associations. The general comments received addressed almost every aspect of the proposed regulation, including expanding patient access to the medical program, patient and designated caregiver registration, product prior approval process, and allowing for additional extraction methods.

Other comments received recommended amending the Office's pharmacist policy by returning to the on-site pharmacist model for medical cannabis dispensing sites. One commenter requested a more streamlined registration process to make it easier for patients to obtain medical cannabis products. Other commenters suggested removing the need for prior approval of products submitted to the Office. Some comments recommended adding or changing certain definitions, including, but not limited to the following: adverse event, artificially derived phytocannabinoid, brand, control, financial interest, resealable, significant presence, synthetic cannabis additives, and synthetic terpenes. Finally, some commenters requested and recommended language around packaging requirements.

As a result of these public comments, the Office has amended the proposed regulation and is issuing a Notice of Revised Rulemaking to address these comments and other areas that have developed since the proposed regulation was published.

## Department of Civil Service

### NOTICE OF ADOPTION

#### Attendance Rules

**I.D. No.** CVS-01-22-00019-A

**Filing No.** 584

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of section 28-1.3 of Title 4 NYCRR.

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

**Subject:** Attendance Rules.

**Purpose:** To increase sick leave credits from 15 to 25 days in one year.

**Text or summary was published** in the January 5, 2022 issue of the Register, I.D. No. CVS-01-22-00019-P.

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

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

#### Assessment of Public Comment

One public comment was received from the Organization of Management Confidential Employees (OMCE). OMCE supported the rule and noted that it will extend family sick leave benefits to employees in managerial/confidential positions consistent with benefits provided to employees in represented positions. The rule will be adopted as proposed.

### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-01-22-00020-A

**Filing No.** 577

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text or summary was published** in the January 5, 2022 issue of the Register, I.D. No. CVS-01-22-00020-P.

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

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

#### Assessment of Public Comment

The agency received no public comment.

### NOTICE OF ADOPTION

#### Jurisdictional Classification

**I.D. No.** CVS-01-22-00021-A

**Filing No.** 576

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the January 5, 2022 issue of the Register, I.D. No. CVS-01-22-00021-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-01-22-00022-A

**Filing No.** 582

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and to classify a position in the non-competitive class.

**Text or summary was published** in the January 5, 2022 issue of the Register, I.D. No. CVS-01-22-00022-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-01-22-00023-A

**Filing No.** 583

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from and to classify a position in the exempt class.

**Text or summary was published** in the January 5, 2022 issue of the Register, I.D. No. CVS-01-22-00023-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-01-22-00024-A

**Filing No.** 589

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the exempt class.

**Text or summary was published** in the January 5, 2022 issue of the Register, I.D. No. CVS-01-22-00024-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-01-22-00025-A

**Filing No.** 581

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the January 5, 2022 issue of the Register, I.D. No. CVS-01-22-00025-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-06-22-00001-A

**Filing No.** 572

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify a position in the non-competitive class.

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. CVS-06-22-00001-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification**

**I.D. No.** CVS-06-22-00002-A

**Filing No.** 567

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. CVS-06-22-00002-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification**

**I.D. No.** CVS-06-22-00003-A

**Filing No.** 568

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. CVS-06-22-00003-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification**

**I.D. No.** CVS-06-22-00004-A

**Filing No.** 588

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. CVS-06-22-00004-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification**

**I.D. No.** CVS-06-22-00005-A

**Filing No.** 574

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. CVS-06-22-00005-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification**

**I.D. No.** CVS-06-22-00006-A

**Filing No.** 580

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

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

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. CVS-06-22-00006-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification**

**I.D. No.** CVS-06-22-00007-A

**Filing No.** 586

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.



**Purpose:** To delete a position from and to add a subheading and classify positions in the non-competitive class.

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. CVS-06-22-00007-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-06-22-00008-A

**Filing No.** 571

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. CVS-06-22-00008-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Supplemental Military Leave Benefits**

**I.D. No.** CVS-09-22-00001-A

**Filing No.** 585

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of sections 21.15 and 28-1.17 of Title 4 NYCRR.

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

**Subject:** Supplemental military leave benefits.

**Purpose:** To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2022.

**Text or summary was published** in the March 2, 2022 issue of the Register, I.D. No. CVS-09-22-00001-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-10-22-00001-A

**Filing No.** 587

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the March 9, 2022 issue of the Register, I.D. No. CVS-10-22-00001-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-10-22-00002-A

**Filing No.** 590

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To classify positions in the exempt class.

**Text or summary was published** in the March 9, 2022 issue of the Register, I.D. No. CVS-10-22-00002-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION**

**Jurisdictional Classification**

**I.D. No.** CVS-10-22-00003-A

**Filing No.** 579

**Filing Date:** 2022-07-15

**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a position from the non-competitive class.

**Text or summary was published** in the March 9, 2022 issue of the Register, I.D. No. CVS-10-22-00003-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-10-22-00004-A**Filing No.** 570**Filing Date:** 2022-07-15**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To delete positions from and to classify positions in the non-competitive class.**Text or summary was published** in the March 9, 2022 issue of the Register, I.D. No. CVS-10-22-00004-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-10-22-00005-A**Filing No.** 578**Filing Date:** 2022-07-15**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the non-competitive class.**Text or summary was published** in the March 9, 2022 issue of the Register, I.D. No. CVS-10-22-00005-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-10-22-00006-A**Filing No.** 569**Filing Date:** 2022-07-15**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text or summary was published** in the March 9, 2022 issue of the Register, I.D. No. CVS-10-22-00006-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-10-22-00007-A**Filing No.** 575**Filing Date:** 2022-07-15**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the non-competitive class.**Text or summary was published** in the March 9, 2022 issue of the Register, I.D. No. CVS-10-22-00007-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

**NOTICE OF ADOPTION****Jurisdictional Classification****I.D. No.** CVS-10-22-00008-A**Filing No.** 573**Filing Date:** 2022-07-15**Effective Date:** 2022-08-03

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

**Action taken:** Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the exempt class.**Text or summary was published** in the March 9, 2022 issue of the Register, I.D. No. CVS-10-22-00008-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

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## Department of Corrections and Community Supervision

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

**Privileged Correspondence****I.D. No.** CCS-31-22-00002-P

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

**Proposed Action:** Amendment of section 721.2 of Title 7 NYCRR.**Statutory authority:** Correction Law, section 70**Subject:** Privileged Correspondence.

**Purpose:** To update law changes regarding correspondence from CANY.

**Text of proposed rule:** 721.2 Definition.

(a) Privileged correspondence is defined as correspondence addressed by an [inmate] *incarcerated individual* to any of the following persons or entities at their official business address, or, except as noted in subdivision (b) of this section, received from such persons or entities:

(1) Governmental/public officials. Any American Federal, state, or local government official, department or agency; any official of a nation, state, or tribe of which the [inmate] *incarcerated individual* is a citizen; [or the correctional association of New York State;]

(2) Legal services. Any attorney, approved legal representative, representative employed or supervised by an attorney, or any legal services organization; or

(3) Medical services. Medical personnel such as physicians and dentists; or hospitals.

(b) The following shall not be defined as privileged correspondence but shall be processed as general incoming correspondence in accordance with Part 720 of this Title, “[Inmate] *Incarcerated Individual* Correspondence Program”:

(1) mail which is not delivered in an envelope bearing the identity and official business return address of one of the above listed persons or entities;

(2) mail received from a board of elections;

(3) mail received from the Department of Motor Vehicles;

(4) mail received from the State Education Department, excluding materials sent to [inmates] *incarcerated individual* marked “legal mail” by the New York State Library’s Prisoner Services Project;

(5) mail received from any county or local tax assessor or clerk, except for a clerk of a court (note: notwithstanding that a county clerk may also be a clerk of a court, mail from a county clerk shall be processed as general incoming correspondence); [and]

(6) mail received from the Secretary of State, Department of State, corporation division or uniform commercial code unit of any state; *and* [.]

(7) *mail received from the correctional association of New York State.*

(c) This regulation does not, in itself, establish a confidential relationship between the sender and recipient of correspondence identified herein as privileged (e.g., a central office official in receipt of privileged mail may share that mail, and any response to it, as deemed appropriate). The privileges which apply to correspondence defined in this section relate to processing controls, allowances of limited free postage and advances of [inmate] *incarcerated individual* funds for postage. These privileges are detailed in section 721.3 of this Part.

**Text of proposed rule and any required statements and analyses may be obtained from:** Cathy Sheehan, 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

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

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

**Regulatory Impact Statement**

Statutory Authority:

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 Department of Corrections and Community Supervision (DOCCS) interprets this authority to extend to promulgation of rules and regulations governing mail processing within correctional facilities for general and privileged correspondence.

Legislative Objectives:

In proposing this rule, DOCCS seeks to further the legislative objective of orderly and efficient operation of New York State Correctional Facilities. This rule will reduce the administrative burden on facilities in processing incoming privileged correspondence, thereby facilitating the timely and accurate processing of important and/or time-sensitive pieces of privileged correspondence for incarcerated individuals.

Needs and Benefits:

Correctional facilities are required to process privileged mail in a very strict time frame under Part 721 of Title 7 of the New York State Code of Rules and Regulations. Assembly Bill 1249 of 2021 (S875), signed into law on February 16, 2021 is designed to increase the Correctional Association of New York’s (CANY) ability to access and inspect New York State Correctional Facilities. One component of the bill allows CANY to distribute surveys and questionnaires directly to Incarcerated Individuals. This change will dramatically increase the amount of incoming mail classified as privileged under 7 NYCRR § 721.2 received at DOCCS facilities. As this new incoming correspondence largely consists of surveys, ques-

tionnaires, etc., the change in the rule would reduce the administrative burden of processing this incoming mail, without denying privileged status to worthy items.

Costs:

Compliance with this rule imposes no cost on the Department’s personnel or the inmates required to follow the rule.

This rule imposes no additional costs on the State or on the Department.

This cost analysis is based on the Department’s own review of its procedures.

Paperwork:

This rule imposes no reporting requirements.

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 DOCCS correctional facilities.

Duplication:

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

Alternatives:

The alternative is to not promulgate this regulation. However, DOCCS is doing so to revise the definition of privileged correspondence in order to relieve the administrative burden on facilities.

Federal Standards:

No federal standards are applicable to the subject matter of this rule.

Compliance Schedule:

Department personnel can achieve compliance with the rule upon its adoption.

**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 will change the definition of privileged correspondence for Incarcerated Individuals to reclassify certain types of mail as non-privileged.

**Rural Area Flexibility Analysis**

A rural area flexibility analysis is not required for this proposal since it will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on rural areas. This proposal will change the definition of privileged correspondence for Incarcerated Individuals to reclassify certain types of mail as non-privileged.

**Job Impact Statement**

A job impact statement is not submitted because this proposed rule will have no adverse impact on jobs or employment opportunities. This proposal will change the definition of privileged correspondence for Incarcerated Individuals to reclassify certain types of mail as non-privileged.

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## Department of Environmental Conservation

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

**Peekamoose Valley Riparian Corridor**

**I.D. No.** ENV-31-22-00001-EP

**Filing No.** 592

**Filing Date:** 2022-07-18

**Effective Date:** 2022-07-18

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

**Proposed Action:** Amendment of section 190.35; addition of section 190.35(j) and (k) to Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections, 1-0101(3)(b), 3-0301(1)(b), (d), (2)(m), 9-0105(1) and (3)

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

**Specific reasons underlying the finding of necessity:** This emergency rulemaking is necessary because it will address an immediate public health



and safety situation resulting from the continued rise in public use of state forest preserve lands in the Peekamoose Valley Riparian Corridor. Requiring a permit to enter the entire corridor seven days per week from May 15th through September 15th is necessary for the preservation of public health, safety and general welfare as well as prevent further degradation to the natural resources within the Peekamoose Valley Riparian Corridor. Compliance with the normal rule making process would delay implementation beyond the 2022 summer season and would thus be contrary to the public interest of providing a safe setting for outdoor recreation during the most popular months of the year. The Department has the statutory authority to promulgate regulations under Environmental Conservation Law (“ECL”) section 3-0301.

**Subject:** Peekamoose Valley Riparian Corridor.

**Purpose:** Protect public health, safety and general welfare and natural resources on the Peekamoose Valley Riparian Corridor.

**Text of emergency/proposed rule:** 6 NYCRR Section 190.35, Peekamoose Valley Riparian Corridor

Subdivision (i) of section 190.35 is amended as follows:

(i) From May 15th through [October 15th] *September 15th* of each year [on Saturdays, Sundays and State and Federal holidays,] no person shall enter the Peekamoose Valley Riparian Corridor [east of the County Route 42 bridge crossing the Rondout Creek], an area that includes that portion of the Rondout Creek known as the Blue Hole, *Buttermilk Falls and the lower, middle and upper field camping areas*, except under permit from the department. *No such permit is required for those entering the Peekamoose Valley Riparian Corridor with a valid New York State fishing or hunting license for the purpose of fishing or hunting.*

Section 190.35 is amended by adding two new subdivisions (j) and (k) as follows:

(j) *No person shall possess alcoholic beverages within the Peekamoose Valley Riparian Corridor except those camping at designated campsites.*

(k) *No person shall possess coolers larger than 12” (any dimension) within the Peekamoose Valley Riparian Corridor except those camping at designated campsites.*

**This notice is intended:** to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire October 15, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Michael Callan, Forester 2, DEC, 21 South Putt Corners Road, New Paltz, NY 12561-1696, (845) 256-3004, email: michael.callan@dec.ny.gov

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

**Public comment will be received until:** October 3, 2022.

**Additional matter required by statute:** A Short EAF was prepared in compliance with article 8 of the Environmental Conservation Law.

#### Regulatory Impact Statement

##### 1. Statutory Authority:

Article XIV, Section 1 of the New York State Constitution provides that the lands of the Forest Preserve “shall be forever kept as wild forest lands.”

Environmental Conservation Law (“ECL”) § 1-0101(3)(b) directs the Department of Environmental Conservation (Department) to guarantee “that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences.”

ECL § 3-0301(1)(b) gives the Department the responsibility to “promote and coordinate management of...land resources to assure their protection, enhancement, provision, allocation, and balanced utilization...and take into account the cumulative impact upon all such resources in promulgating any rule or regulation.”

ECL § 3-0301(1)(d) authorizes the Department to “provide for the care, custody and control of the Forest Preserve.”

ECL § 9-0105(1) authorizes the Department to “[e]xercise care, custody, and control of the several preserves, parks and other State lands described in [Article 9 of the ECL],” which includes Forest Preserve lands.

ECL § 3-0301(2)(m) authorizes the Department to adopt rules and regulations “as may be necessary, convenient or desirable to effectuate the purposes of [the ECL].”

ECL § 9-0105(3) authorizes the Department to “[m]ake necessary rules and regulations to secure proper enforcement of [ECL Article 9].”

##### 2. Legislative Objectives:

Paragraph 1 of section 3 of Article XIV of the New York State Constitution provides that “forest and wildlife conservation are. . . policies of the State.” Article XIV, section 1 of the New York State Constitution provides that the lands of the Forest Preserve “shall be forever kept as wild forest lands,” and ECL §§ 3-0301(1)(b) and 9-0105(1) give the Department jurisdiction to manage Forest Preserve lands. The Department is also authorized to promulgate rules and regulations for the use of such lands (see ECL §§ 3-0301(2) (m) and 9-0105(3)). Consistent with this authority, the

proposed regulations are crafted to protect natural resources and the health, safety and general welfare of those who engage in recreational activities within the Peekamoose Valley Riparian Corridor of the Forest Preserve in the Catskill Park.

##### 3. Needs and Benefits:

The Peekamoose Valley Riparian Corridor is an area encompassing more than 270 acres of Forest Preserve lands straddling the upper Rondout Creek along Peekamoose Road (Ulster County 42) in the Town of Denning in Ulster County. The Valley is a remote area in the heart of the Catskill Park and New York City’s Catskill/Delaware watershed. The upper Rondout Creek flows into the Rondout Reservoir, an important and high-quality drinking water supply for New York City. In recent years there has been a dramatic increase in public use of the Peekamoose Valley Riparian Corridor, resulting in unacceptable impacts to natural resources as well as serious public health and safety issues.

In 2015, the Department attempted to address the problems associated with overuse by implementing a number of strategies, including: clearly defining parking lots and limiting parking to those lots; prohibiting parking along the road (as posted by the Town of Denning); performing weekly garbage pick-ups; and recommending alternative swimming/picnicking areas. These alternative recommendations included Department campgrounds, which have appropriate facilities and are more suited to withstanding more intense public use. Despite these efforts, in 2016 the Department determined that it was necessary to promulgate special regulations for the Peekamoose Valley Riparian Corridor, which encompasses approximately 270 acres of Forest Preserve lands in the Sundown Wild Forest and Slide Mountain Wilderness Area.

The regulation includes several prohibitions designed to protect water quality, protect the area from overuse and address activities which impact public health and safety. Again, public use of the area continued to increase and in June of 2018 the Department amended the regulation to create a day-use permit system for the western portion of the Corridor which included the Blue Hole. The regulation requires that all visitors to the Blue Hole must obtain a permit on weekends and holidays from May 15th thru October 15th of each year. Permits could only be obtained through Reserve America, similar to the reservation system for DEC’s campgrounds. While DEC incurred an administrative cost for each permit, permits were issued free of charge to the user. Permits were issued for up to 6 individuals and a maximum of 40 permits were issued on any day that permits were required – allowing for a maximum of 240 people/day.

Overall, the permit system was a success, greatly reducing the number of visitors on weekends and holidays when use had historically surpassed the carrying capacity for the area. While our stewards interacted with over 15,000 visitors during the course of the 2018 and 2019 seasons, use of the Blue Hole was reduced to 6,500 visitors - 1,700 under permit on weekends and holidays and 4,800 on weekdays (no permit limitation). This compares to some Sundays in previous years where over 1,000 visitors were encountered in a single day. Over 6,000 people that arrived without a permit were educated and, after providing suggestions for alternative locations, were turned away. Reserve America collected data on the individuals who got a permit, and from that data we found that nearly 70% of those who got a permit were from the NY/NJ metropolitan area. Key to success of the permit system was the presence of the Blue Hole Stewards and Forest Rangers, who educated the visitors and ensured they understood and followed the rules.

The Peekamoose Valley Riparian Corridor, and specifically the Blue Hole, experienced a dramatic increase in visitation during the 2020 season. This increase can partially be attributed to the pandemic and an increased desire for individuals to recreate locally. Blue Hole Stewards interacted with 24,281 visitors over the course of the season. Under the permit system (weekends and holidays) visitor use decreased from 3,101 visitors in the 2019 season to 2,021 in 2020. This decrease is likely due to Department efforts to reduce the number of permits allowed on weekends to meet social distancing guidelines designed to combat the COVID-19 pandemic. However, weekday visitation increased from 2,509 to 10,369 (no permit limitation). Overall, in 2020 visitation increased 225% (2019 total visitation:10,796).

The most dramatic change we observed in 2020 was an increase in weekday use. In past years, weekday use was nominal. This season, weekday use ranged from 300-700 people/day. We also observed a tremendous amount of trash, litter and human waste as well as illegal parking and congestion at the Blue Hole. DEC Forest Rangers issued nearly 400 tickets during the 2020 season (228 tickets for permit violations and 170 for parking violations), compared to less than 100 tickets in 2019.

Despite the Department’s significant efforts to address the area’s problems, public use continues to exceed the area’s carrying capacity. Such overuse has resulted in unsanitary conditions, threats to water quality, trampled vegetation and a dramatic degradation of the wild character of the area. Because of the immediate threat to the public health, safety and general welfare, combined with the surge in the number of people

recreating in the Peekamoose Valley Corridor mid-week, it is essential to expand the permit requirement to all days of the week from May 15th through September 15th. In addition, it is necessary to expand the area where a permit is required to encompass the entire riparian (Rondout Creek) corridor. The expanded permit system will prevent those visitors who arrive without a permit from going downstream and congregating in an unrestricted area, causing natural resource impacts. The area within the Corridor requiring a permit will also encompass a traditional camping area, requiring campers to obtain a permit prior to camping. An initial Notice of Emergency Adoption and Proposed Rulemaking was published in the State Register on June 2, 2021. In response to concerns raised during the initial public comment period, the Department revised the proposed rulemaking to exempt from the general permitting system individuals with a valid hunting or fishing license. As a result, this Notice of Emergency Adoption and Proposed Rulemaking clarifies that individuals with valid fishing and hunting licenses will not be required to obtain a permit to enter the Corridor for those purposes.

While the permit system is intended to ease congestion and overuse, additional measures are necessary to reduce the amount of trash and human waste impacting the site. As a result, the amendment proposes to expand the prohibited activities to prohibit alcohol and large coolers. These prohibitions are intended to mitigate impacts to the natural resource and protect public health from trash and human waste.

The Department has received initial public input on the proposed actions through meetings and interaction with local government officials, including the Town of Denning Supervisor, and in meetings with stakeholder organizations, including the Catskill Park Advisory Committee.

#### 4. Costs:

It is anticipated that any administrative costs associated with the administration of the expanded permit system will be offset by a permit fee of \$10 per permit.

#### 5. Local Government Mandates:

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

#### 6. Paperwork:

The proposed regulations will not impose any reporting requirements or other paperwork on any private or public entity.

#### 7. Duplication:

There is no duplication, conflict, or overlap with State or Federal regulations.

#### 8. Alternatives:

The no-action alternative is not feasible since the existing regulation does not adequately protect the Peekamoose Valley Riparian Corridor from overuse and abuse and does not protect the public health, safety, and general welfare.

Closing the area to public use is also not an acceptable alternative. Forest Preserve land is acquired for the use of and enjoyment by the public. ECL section 9-0301(1) provides that "all lands in the Catskill Park . . . shall be forever reserved and maintained for the free use of all the people. . ." The closure of Forest Preserve land to public use should not occur except when absolutely necessary to protect public health or the resource.

#### 9. Federal Standards:

There is no relevant federal standard governing the use of State lands.

#### 10. Compliance Schedule:

Once the regulations are adopted, they will be effective immediately, and all persons will be expected to comply with them upon the anticipated effective date. The Department will educate the public about the regulations through information posted on the Departments' web site, signage posted on the property, social media, at the Catskill Visitor Center and by working with user groups and other stakeholders to help disseminate information regarding the regulations.

#### Regulatory Flexibility Analysis

The emergency/proposed rulemaking will address overuse and protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor by requiring a permit to enter the entire corridor seven days per week from May 15th through September of each year while still providing a quality outdoor experience for users.

A Regulatory Flexibility Analysis is not submitted and is not required because the proposal does not impose any reporting, record-keeping or other compliance requirements on small businesses and local governments. The proposed regulation relates solely to protecting public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor.

#### Rural Area Flexibility Analysis

The emergency/proposed rulemaking will address overuse and protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor by requiring a permit to enter the entire corridor seven days per week from May 15th through September of each year while still providing a quality outdoor experience for users.

A Rural Area Flexibility Analysis is not submitted and is not required because the proposal will not impose any reporting, record-keeping or other compliance requirements on rural areas. The proposed regulation relates solely to protecting public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor.

#### Job Impact Statement

The emergency/proposed rulemaking will address overuse and protect public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor by requiring a permit to enter the entire corridor seven days per week from May 15th through September of each year while still providing a quality outdoor experience for users.

A Job Impact Statement is not submitted and is not required because the proposal will have no substantial adverse impact on existing or future jobs and employment opportunities. The proposed regulation relates solely to protecting public health, safety, general welfare and natural resources on the Peekamoose Valley Riparian Corridor.

## Office for People with Developmental Disabilities

### EMERGENCY RULE MAKING

#### Training Flexibilities

**I.D. No.** PDD-10-22-00010-E

**Filing No.** 591

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** Addition of section 633.27 to Title 14 NYCRR.

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

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

**Specific reasons underlying the finding of necessity:** The emergency addition of section 14 NYCRR 633.27 that authorizes the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities, is necessary to protect the health, safety, and welfare of individuals who receive these services. This regulation must be issued by emergency regulation to allow OPWDD the ability to increase staff available to properly take care of service recipients. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards which includes safe and appropriate staffing.

**Subject:** Training Flexibilities.

**Purpose:** To provide flexibilities in training requirements.

**Text of emergency rule:** A new section 633.27 is added to read as follows:

#### 633.27 Training Flexibilities

*Notwithstanding the requirements set forth in sections 633.8, 633.14, 633.16 and 633.17 of this Part, during periods of extreme staffing shortages, as determined by the commissioner, the commissioner may permit abbreviated training and/or approve the extension of recertification deadlines, as applicable, for direct support professionals employed in programs and facilities certified pursuant to Article 16 of the Mental Hygiene Law.*

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. PDD-10-22-00010-EP, Issue of March 9, 2022. The emergency rule will expire September 12, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Ave., Albany, NY 12209, (518) 474-7700, email: rau.unit@opwdd.ny.gov

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



**Regulatory Impact Statement**

## 1. Statutory Authority:

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

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

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

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

2. Legislative Objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages as determined by the Commissioner.

3. Needs and Benefits: The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages. This regulation is necessary to protect the health, safety, and welfare of individuals who receive services from providers that are certified or operated by OPWDD. This regulation is being proposed due to the increasing need of services as well as staffing shortages during the ongoing COVID-19 epidemic. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards. Given the rise in covid cases throughout the pandemic OPWDD has had challenges meeting minimum staffing requirements for the many locations certified or operated across the state. By allowing more individuals to work in these Article 16 facilities, individuals being provided services will not have interruptions in their services.

## 4. Costs:

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

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

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

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation authorizes the Commissioner to facilitate more staff when there are periods of extreme staffing shortages. Therefore, there are no new anticipated costs.

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

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

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

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

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

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

**Regulatory Flexibility Analysis**

A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the

regulation that it will not have a substantial adverse impact on small businesses or local governments.

The proposed regulation adds Title 14 NYCRR Section 633.27 to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in new compliance requirements or additional professional services for providers. There is also no additional paperwork required by the amendment. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses and/or local governments.

**Rural Area Flexibility Analysis**

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

The proposed regulation adds Title 14 NYCRR Section 633.27 in order to authorize the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in an adverse impact on rural communities because the regulation applies to all Article 16 clinics who are certified or operated by OPWDD. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

**Job Impact Statement**

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

The proposed regulation adds Title 14 NYCRR Section 633.27 in order to allow the Commissioner to permit abbreviated trainings and extend recertification deadlines for direct support professionals during periods of extreme staffing shortages for Article 16 facilities. The regulation will not result in new compliance requirements for providers. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. The regulation is only to be used in cases of extreme staffing shortages. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

**Assessment of Public Comment**

The agency received no public comment.

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## Public Service Commission

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**NOTICE OF ADOPTION****EV Managed Charging Proposals**

**I.D. No.** PSC-28-21-00015-A

**Filing Date:** 2022-07-14

**Effective Date:** 2022-07-14

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

**Action taken:** On 7/14/22, the PSC adopted an order approving, with modifications, the Joint Utilities' Electric Vehicle (EV) Managed Charging Proposals filed to comply with the Commission's Make-Ready Program Order directives, issued July 16, 2020.

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

**Subject:** EV Managed Charging Proposals.

**Purpose:** To approve, with modifications, the Joint Utilities' EV Managed Charging Proposals.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester



Gas and Electric Corporation's (collectively, the Joint Utilities') Electric Vehicle (EV) Managed Charging Proposals filed to comply with the Commission's directives in the Order Establishing Electric Vehicle Infrastructure Make-Ready Program and Other Programs, issued July 16, 2020. The Joint Utilities are directed to implement Managed Charging Programs, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the July 14, 2021 issue of the Register, I.D. No. PSC-28-21-00015-P.

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

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

**Assessment of Public Comment**

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

(18-E-0138SA5)

## NOTICE OF ADOPTION

### Establishment of a Tapping Fee and Connection Fee

**I.D. No.** PSC-33-21-00008-A

**Filing Date:** 2022-07-18

**Effective Date:** 2022-07-18

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

**Action taken:** On 7/14/22, the PSC adopted an order approving, with modifications, Windham Ridge Water Corp. (Windham Ridge) to establish a Tapping Fee and denies the establishment of a proposed Connection Fee, contained in P.S.C. No. 1 - Water.

**Statutory authority:** Public Service Law, sections 89-b and 89-c

**Subject:** Establishment of a Tapping Fee and Connection Fee.

**Purpose:** To approve, with modifications, Windham Ridge's Tapping Fee and deny its Connection Fee.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving, with modifications, Windham Ridge Water Corp. (Windham Ridge) to establish a Tapping Fee and denies the establishment of the proposed Connection Fee, contained in Windham Ridge's tariff, P.S.C. No. 1 - Water. Windham Ridge is directed to file on not less than 10 days' notice to become effective August 1, 2022, revised Leaf No. 12, as shown in the Appendix. Windham Ridge is directed to notify its customers by direct mail of the Commission's decision in this proceeding no later than August 15, 2022 and to file a copy of the notification with the Secretary to the Commission no later than August 31, 2022, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the August 18, 2021 issue of the Register, I.D. No. PSC-33-21-00008-P.

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

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

**Assessment of Public Comment**

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

(21-W-0402SA1)

## NOTICE OF ADOPTION

### Remote Crediting Banking Rules

**I.D. No.** PSC-33-21-00009-A

**Filing Date:** 2022-07-14

**Effective Date:** 2022-07-14

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

**Action taken:** On 7/14/22, the PSC adopted an order approving, with

modifications, the Joint Utilities' proposal to apply the Community Distributed Generation (CDG) banking rules to the Remote Crediting program and establishes a process to switch between them.

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

**Subject:** Remote crediting banking rules.

**Purpose:** To approve, with modifications, the Joint Utilities' proposal to apply CDG banking rules to the Remote Crediting program.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving, with modifications, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation's (the Joint Utilities) proposal to apply the Community Distributed Generation (CDG) banking rules to the Remote Crediting program and establishes a process to switch between CDG, including Net Crediting and Remote Crediting programs. The Joint Utilities are directed to file tariff amendments to apply the CDG banking rules to Remote Crediting projects and to provide a one-time, irrevocable option to switch from the CDG program to the Remote Crediting program or from the Remote Crediting program to the CDG program. The tariffs shall be filed on not less than five days' notice to become effective on September 1, 2022. The Joint Utilities are directed to file a letter, within 30 days of the issuance of the order, detailing the timeframe for implementing programming and billing system upgrades necessary to effectuate the transition of projects between the CDG, Net Crediting, and Remote Crediting programs. The Joint Utilities are directed to provide the New York State Energy Research and Development Authority with a list of all projects that have switched between the CDG and Remote Crediting programs on a monthly basis beginning September 1, 2022, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the August 18, 2021 issue of the Register, I.D. No. PSC-33-21-00009-P.

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

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

**Assessment of Public Comment**

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

(15-E-0751SA39)

## NOTICE OF ADOPTION

### Development of Phase 1 Transmission Projects

**I.D. No.** PSC-52-21-00009-A

**Filing Date:** 2022-07-14

**Effective Date:** 2022-07-14

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

**Action taken:** On 7/14/22, the PSC adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk) to continue to develop Phase 1 Transmission Projects and to defer expenses associated with the development of the projects.

**Statutory authority:** Public Service Law, sections 5, 65, and 66; Accelerated Renewable Energy Growth and Community Benefit Act

**Subject:** Development of Phase 1 Transmission Projects.

**Purpose:** To authorize Niagara Mohawk to continue to develop Phase 1 Transmission Projects.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order authorizing Niagara Mohawk Power Corporation d/b/a National Grid (Niagara Mohawk) to continue development of the 26 Phase 1 Transmission Projects included in the Niagara Mohawk 2030 Climate Leadership and Community Protection Act (CLCPA) Regional Transmission Plan. Niagara Mohawk is directed to use available net regulatory liabilities to offset the revenue requirement associated with the 19 Initial Phase 1 Projects that enter service prior to March 31, 2025. Niagara Mohawk is authorized to defer, for future recovery from ratepayers, operating expenses incurred through March 31, 2025, related to the seven subsequent Phase 1 Projects with in-service dates after March 31, 2025, up to a total of \$886,000. Niagara Mohawk is directed to file annual reports within 60

days of the end of the fiscal year showing actual project costs and revenue requirement calculations and detailing the specific regulatory liability used to offset the associated revenue requirement of the 26 Phase 1 Projects, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the December 29, 2021 issue of the Register, I.D. No. PSC-52-21-00009-P.

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

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

#### Assessment of Public Comment

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

(20-E-0197SA7)

### NOTICE OF ADOPTION

#### Petition for Waiver Extension

**I.D. No.** PSC-02-22-00006-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order denying Family Energy, Inc.'s (Family Energy) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Petition for waiver extension.

**Purpose:** To deny Family Energy's petition for waiver extension.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order denying Family Energy, Inc.'s (Family Energy) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers. Family Energy shall, within 120 days of the effective date of the order, transfer any residential and small non-residential customers currently served on a "green gas" product pursuant to a waiver to either: (1) a product that complies with the Commission's December 12, 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process and the Commission's January 25, 2021 Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services; or (2) full utility service. Such transfers shall occur upon expiration of the current contract term with the customers and on customers' regularly scheduled meter reading dates, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the January 12, 2022 issue of the Register, I.D. No. PSC-02-22-00006-P.

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

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

#### Assessment of Public Comment

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

(15-M-0127SA34)

### NOTICE OF ADOPTION

#### Tariff Amendments

**I.D. No.** PSC-02-22-00007-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving, with modification, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10—Electricity, for expansion of the Innovative Pricing Pilot.

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

**Subject:** Tariff amendments.

**Purpose:** To approve, with modification, Con Edison's tariff amendments.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving, with modification, Consolidated Edison Company of New York, Inc.'s (Con Edison) tariff amendments to P.S.C. No. 10 – Electricity, for expansion of the Innovative Pricing Pilot (Pilot) under Riders Z and AA to implement rate structures for residential (Service Classification 1) and small commercial customers (Service Classification 2), respectively, in the Bronx, Manhattan, and Queens. Con Edison is granted authority to extend the Innovative Pricing Pilot by two years. Con Edison is directed to file tariff amendments, as discussed in body of the order by August 1, 2022, to become effective on September 1, 2022, on a temporary basis. The amendments specified in the compliance filing shall not become effective on a permanent basis until approved by the Commission. Con Edison is also directed to file quarterly reports, semi-annual reports, and a final report with the Secretary to the Commission, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the January 12, 2022 issue of the Register, I.D. No. PSC-02-22-00007-P.

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

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

#### Assessment of Public Comment

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

(18-E-0397SA3)

### NOTICE OF ADOPTION

#### Petition for Transfer of Property

**I.D. No.** PSC-04-22-00003-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Emerald Green Lake Louise Marie Water Company, Inc. (Emerald Green) and The Center For Discovery, Inc.'s (CFD) petition for Emerald Green to transfer real property to CFD.

**Statutory authority:** Public Service Law, sections 4(1), 5(1)(f), 89-c(1) and 89-h(1)

**Subject:** Petition for transfer of property.

**Purpose:** To approve the transfer of property from Emerald Green to CFD.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Emerald Green Lake Louise Marie Water Company, Inc. (Emerald Green) and The Center For Discovery, Inc.'s (CFD) petition for Emerald Green to transfer approximately 7.12 acres of real property to CFD. Emerald Green shall record the \$21,977 net gain from the sale of tax map parcel 52.-1-2 as a regulatory liability with interest accrued at the pre-tax rate of return until the balance is disposed of in a manner determined by the Commission. Emerald Green shall file with the Secretary to the Commission copies of documents showing proof of the sale and copies of journal entries recording the transaction within 30 days of the date of closing. In the event Emerald Green does not close on the transaction, it shall provide written notice that the transaction will not occur and the reasons therefore within 30 days of the date the decision not to proceed with the transaction is made. Emerald Green is ordered to file with the Secretary to the Commission, within 60 days of the date of the order, a timetable specifying their schedule of payments and the resulting date the debt will be paid off, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the January 26, 2022 issue of the Register, I.D. No. PSC-04-22-00003-P.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.  
(21-W-0633SA1)

**NOTICE OF ADOPTION**

**Petition for Waiver Extension**

**I.D. No.** PSC-05-22-00003-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order denying Green Mountain Energy Company's (Green Mountain) petition seeking an extension of the waiver to offer green gas products to residential and small non-residential customers.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Petition for waiver extension.

**Purpose:** To deny Green Mountain's petition for waiver extension.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order denying Green Mountain Energy Company's (Green Mountain) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers. Green Mountain shall, within 120 days of the effective date of the order, transfer any residential and small non-residential customers currently served on a "green gas" product pursuant to a waiver to either: (1) a product that complies with the Commission's December 12, 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process and the Commission's January 25, 2021 Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services; or (2) full utility service. Such transfers shall occur upon expiration of the current contract term with the customers and on customers' regularly scheduled meter reading dates, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the February 2, 2022 issue of the Register, I.D. No. PSC-05-22-00003-P.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.  
(15-M-0127SA36)

**NOTICE OF ADOPTION**

**Petition for Waiver Extension**

**I.D. No.** PSC-05-22-00006-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order denying Kiwi Energy NY LLC's (Kiwi Energy) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Petition for waiver extension.

**Purpose:** To deny Kiwi Energy's petition for waiver extension.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order denying Kiwi Energy NY LLC's (Kiwi Energy) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers. Kiwi Energy shall, within 120 days of the effective date of the order, transfer any residential and small non-residential customers currently served on a "green gas" product pursuant to a waiver to either: (1) a product that complies with the Commission's December 12, 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process and the Commission's January 25, 2021 Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services; or (2) full utility service. Such transfers shall occur upon expiration of the current contract term with the customers and on customers' regularly scheduled meter reading dates, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the February 2, 2022 issue of the Register, I.D. No. PSC-05-22-00006-P.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.  
(15-M-0127SA37)

**NOTICE OF ADOPTION**

**Petition for Waiver Extension**

**I.D. No.** PSC-06-22-00011-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order denying American Power & Gas LLC's (American Power & Gas) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Petition for waiver extension.

**Purpose:** To deny American Power & Gas' petition for waiver extension.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order denying American Power & Gas LLC's (American Power & Gas) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers. American Power & Gas shall, within 120 days of the effective date of the order, transfer any residential and small non-residential customers currently served on a "green gas" product pursuant to a waiver to either: (1) a product that complies with the Commission's December 12, 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process and the Commission's January 25, 2021 Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services; or (2) full utility service. Such transfers shall occur upon expiration of the current contract term with the customers and on customers' regularly scheduled meter reading dates, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the February 9, 2022 issue of the Register, I.D. No. PSC-06-22-00011-P.

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

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

**Assessment of Public Comment**

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.  
(15-M-0127SA38)



## NOTICE OF ADOPTION

## Increase in Annual Revenues

I.D. No. PSC-07-22-00007-A

Filing Date: 2022-07-18

Effective Date: 2022-07-18

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

**Action taken:** On 7/14/22, the PSC adopted an order authorizing the Village of Groton (Groton) to increase its annual revenues by \$302,581, effective August 1, 2022, and directing Groton to file a cancellation supplement and further tariff revisions.

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

**Subject:** Increase in annual revenues.

**Purpose:** To authorize Groton to increase its annual revenues.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order authorizing the Village of Groton (Groton) to increase its annual revenues by \$302,581, an increase of approximately 30.5 percent of base revenues, or 19.6 percent of total revenues, effective August 1, 2022. Groton is directed to file a cancellation supplement, on not less than one day's notice and to be effective on or before July 21, 2022, cancelling the tariff amendments listed in Appendix A. Groton is directed to file, on not less than five days' notice and to be effective on August 1, 2022, further tariff revisions establishing the approved rates as shown in Appendix C and other necessary tariff changes, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(22-E-0060SA1)

## NOTICE OF ADOPTION

## Financing Petition

I.D. No. PSC-08-22-00004-A

Filing Date: 2022-07-18

Effective Date: 2022-07-18

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Bluestone Gas Corporation of New York, Inc. (Bluestone) and DT Midstream, Inc.'s (DTM) petition to enter into financing arrangements, up to a maximum amount of \$1.75 billion, including financing flexibility.

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

**Subject:** Financing petition.

**Purpose:** To approve Bluestone and DTM to enter into financing arrangements.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Bluestone Gas Corporation of New York, Inc. (Bluestone) and DT Midstream, Inc.'s (DTM) petition to enter into financing arrangements, up to a maximum amount of \$1.75 billion in debt financing, including financing flexibility, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(21-G-0547SA1)

## NOTICE OF ADOPTION

## Cost Recovery

I.D. No. PSC-09-22-00006-A

Filing Date: 2022-07-14

Effective Date: 2022-07-14

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

**Action taken:** On 7/14/22, the PSC adopted an order authorizing KeySpan Gas East Corporation d/b/a National Grid (KEDLI) to recover the carrying costs of the Southeast Suffolk Project, Phase 1, through the Demand Capacity Surcharge Mechanism.

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

**Subject:** Cost recovery.

**Purpose:** To authorize KEDLI to recover costs associated with the Southeast Suffolk Infrastructure Project.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order authorizing KeySpan Gas East Corporation d/b/a National Grid (KEDLI) to recover the carrying costs of the Southeast Suffolk Project, Phase 1, through the Demand Capacity Surcharge Mechanism. The requirement of Section IV.3.22.4 of the Joint Proposal adopted by the Order Approving Joint Proposal, as Modified, and Imposing Additional Requirements, issued in these proceedings on August 12, 2021, that KEDLI file its Demand Capacity Surcharge Mechanism statement to become effective on July 1st of each year is waived to allow KEDLI to file its Demand Capacity Surcharge Mechanism statement to become effective on August 1, 2022. KEDLI shall then file its updated Demand Capacity Surcharge Mechanism Statement to be effective August 1, 2022, on not less than five days' notice, together with the associated workpapers used to calculate the carrying costs and surcharge rate, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the March 2, 2022 issue of the Register, I.D. No. PSC-09-22-00006-P.

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

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

**Assessment of Public Comment**

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

(19-G-0310SA2)

## NOTICE OF ADOPTION

## Petition for Waiver Extension

I.D. No. PSC-09-22-00007-A

Filing Date: 2022-07-15

Effective Date: 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order denying Viridian Energy PA, LLC's (Viridian) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Petition for waiver extension.

**Purpose:** To deny Viridian's petition for waiver extension.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order denying Viridian Energy PA, LLC's (Viridian) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers. Viridian shall, within 120 days of the effective date of the order, transfer any residential and small non-residential customers currently served on a "green gas" product pursuant to a waiver to either: (1) a product that complies with the Commission's December 12, 2019 Order Adopting Changes to the Retail Access Energy Market and

Establishing Further Process and the Commission's January 25, 2021 Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services; or (2) full utility service. Such transfers shall occur upon expiration of the current contract term with the customers and on customers' regularly scheduled meter reading dates, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the March 2, 2022 issue of the Register, I.D. No. PSC-09-22-00007-P.

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

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

**Assessment of Public Comment**

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

(15-M-0127SA41)

## NOTICE OF ADOPTION

### Petition for Waiver Extension

**I.D. No.** PSC-09-22-00008-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order denying Just Energy New York Corp.'s (Just Energy NY) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Petition for waiver extension.

**Purpose:** To deny Just Energy NY's petition for waiver extension.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order denying Just Energy New York Corp.'s (Just Energy NY) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers. Just Energy NY shall, within 120 days of the effective date of the order, transfer any residential and small non-residential customers currently served on a "green gas" product pursuant to a waiver to either: (1) a product that complies with the Commission's December 12, 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process and the Commission's January 25, 2021 Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services; or (2) full utility service. Such transfers shall occur upon expiration of the current contract term with the customers and on customers' regularly scheduled meter reading dates, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the March 2, 2022 issue of the Register, I.D. No. PSC-09-22-00008-P.

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

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

**Assessment of Public Comment**

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

(15-M-0127SA42)

## NOTICE OF ADOPTION

### Petition for Waiver Extension

**I.D. No.** PSC-09-22-00010-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order denying Alpha Gas & Electric, LLC's (Alpha Gas & Electric) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers.

**Statutory authority:** Public Service Law, sections 5(1)(b), 65(1), (2), (3), 66(1), (2), (3), (5) and (8)

**Subject:** Petition for waiver extension.

**Purpose:** To deny Alpha Gas & Electric's petition for waiver extension.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order denying Alpha Gas & Electric, LLC's (Alpha Gas & Electric) petition seeking an extension of the waiver to offer "green gas" products to residential and small non-residential customers. Alpha Gas & Electric shall, within 120 days of the effective date of the order, transfer any residential and small non-residential customers currently served on a "green gas" product pursuant to a waiver to either: (1) a product that complies with the Commission's December 12, 2019 Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process and the Commission's January 25, 2021 Order Addressing ESCO Petitions Requesting Authorization to Provide Additional Products and Services; or (2) full utility service. Such transfers shall occur upon expiration of the current contract term with the customers and on customers' regularly scheduled meter reading dates, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the March 2, 2022 issue of the Register, I.D. No. PSC-09-22-00010-P.

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

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

**Assessment of Public Comment**

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

(15-M-0127SA40)

## NOTICE OF ADOPTION

### Modifications to the EV Make-Ready Program

**I.D. No.** PSC-11-22-00013-A

**Filing Date:** 2022-07-14

**Effective Date:** 2022-07-14

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

**Action taken:** On 7/14/22, the PSC adopted an order approving, in part, and denying in part, Consolidated Edison Company of New York, Inc.'s (Con Edison) petition for modifications to its Electric Vehicle (EV) Make-Ready Program.

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

**Subject:** Modifications to the EV Make-Ready Program.

**Purpose:** To approve, in part, and deny, in part, Con Edison's petition for modifications to the EV Make-Ready Program.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving, in part, and denying in part, Consolidated Edison Company of New York, Inc.'s (Con Edison) petition for modifications to its Electric Vehicle (EV) Make-Ready Program. Con Edison is authorized to modify its EV Make-Ready Program, as discussed in the body of the order. Con Edison is directed to file an updated EV Make-Ready Program Implementation Plan to reflect the program changes discussed in the body of the order, within 30 days of the issuance of the order, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the March 16, 2022 issue of the Register, I.D. No. PSC-11-22-00013-P.

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

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

**Assessment of Public Comment**

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

(18-E-0138SA7)

## NOTICE OF ADOPTION

## Tariff Amendment

I.D. No. PSC-12-22-00009-A

Filing Date: 2022-07-15

Effective Date: 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Fishers Island Electric Corporation's (Fishers Island) tariff amendment to P.S.C. No. 2—Electricity, to become effective on August 1, 2022.

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

**Subject:** Tariff amendment.

**Purpose:** To approve Fishers Island's tariff amendment.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Fishers Island Electric Corporation's (Fishers Island) tariff amendment to P.S.C. No. 2 – Electricity, to effectuate the pass back of funds related to the deferral of actual linemen expenses below the expense allowance provided for in its revenue requirement, to become effective on August 1, 2022, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the March 23, 2022 issue of the Register, I.D. No. PSC-12-22-00009-P.

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

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

**Assessment of Public Comment**

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

(19-E-0525SA2)

## NOTICE OF ADOPTION

## Tariff Amendments

I.D. No. PSC-13-22-00008-A

Filing Date: 2022-07-15

Effective Date: 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff amendments to P.S.C. No. 220 — Electricity, to become effective on July 25, 2022.

**Statutory authority:** Public Service Law, sections 65 and 66(12)

**Subject:** Tariff amendments.

**Purpose:** To approve National Grid's tariff amendments.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff amendments to P.S.C. No. 220 – Electricity, to modify the pole attachment rates applicable to cable system operators, telecommunication carriers, and wireless communication carriers within National Grid's service territory, to become effective on July 25, 2022, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(22-E-0125SA1)

## NOTICE OF ADOPTION

## Tariff Amendments

I.D. No. PSC-13-22-00013-A

Filing Date: 2022-07-15

Effective Date: 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Central Hudson Gas and Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 15 — Electricity, to become effective on July 25, 2022.

**Statutory authority:** Public Service Law, sections 65 and 66(12)

**Subject:** Tariff amendments.

**Purpose:** To approve Central Hudson's tariff amendments.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Central Hudson Gas and Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 15 – Electricity, to modify the pole attachment rates applicable to cable system operators, telecommunication carriers, and wireless communication carriers within Central Hudson's service territory, to become effective on July 25, 2022, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(22-E-0124SA1)

## NOTICE OF ADOPTION

## CPCN and Lightened Regulatory Regime

I.D. No. PSC-14-22-00009-A

Filing Date: 2022-07-18

Effective Date: 2022-07-18

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

**Action taken:** On 7/14/22, the PSC adopted an order granting Excelsior Energy Center, LLC's (Excelsior) a Certificate of Public Convenience and Necessity (CPCN) and lightened regulatory regime for a facility in Genesee County, New York.

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

**Subject:** CPCN and lightened regulatory regime.

**Purpose:** To grant Excelsior a CPCN and lightened regulatory regime.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order granting Excelsior Energy Center, LLC's (Excelsior) a Certificate of Public Convenience and Necessity (CPCN) and lightened regulatory regime for the construction and operation of an approximately 280 megawatt (MW) solar generating facility, including a 20 MW/4-hour duration energy storage system, in Genesee County, New York, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(22-E-0122SA1)



## NOTICE OF ADOPTION

## Implementation of New Public Service Law

I.D. No. PSC-15-22-00002-A

Filing Date: 2022-07-14

Effective Date: 2022-07-14

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

**Action taken:** On 7/14/22, the PSC adopted an order implementing Public Service Law (PSL) section 73 and directed multiple utilities to file tariff amendments to incorporate the new PSL section 73 into their respective schedules.

**Statutory authority:** Public Service Law, sections 66 and 73

**Subject:** Implementation of new Public Service Law.

**Purpose:** To implement PSL section 73 and directed utilities to file tariff amendments incorporating the new PSL.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order implementing Public Service Law (PSL) § 73, which requires a “utility company” to compensate residential and small business customers who experience “a widespread prolonged outage lasting at least seventy-two hours....” PSL § 73(4) also requires the Commission to promulgate procedures, standards, methodologies, and rules, necessary to implement the provisions of PSL § 73, as well as define the terms “widespread prolonged outage,” “small business customer,” and “proof of loss.” Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc.; National Fuel Gas Distribution Corporation; New York State Electric & Gas Corporation; The Brooklyn Union Gas Company d/b/a National Grid NY; KeySpan Gas East Corporation d/b/a National Grid; Niagara Mohawk Power Corporation d/b/a National Grid; Orange and Rockland Utilities, Inc.; Rochester Gas and Electric Corporation; Conning Natural Gas Corporation; Valley Energy, Inc.; and Liberty Utilities (St. Lawrence Gas) Corp. (collectively, the Utilities) shall file tariff leaves to incorporate the definitions, process, and procedures to implement PSL § 73 into their respective schedules, on no less than three days’ notice, effective on July 25, 2022, on a temporary basis. The Utilities are also directed to provide customer outage credits and reimbursements during prolonged outages, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the April 13, 2022 issue of the Register, I.D. No. PSC-15-22-00002-P.

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

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

**Assessment of Public Comment**

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

(22-M-0159SA1)

## NOTICE OF ADOPTION

## Transfer of Street Lighting Facilities

I.D. No. PSC-16-22-00007-A

Filing Date: 2022-07-18

Effective Date: 2022-07-18

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

**Action taken:** On 7/14/22, the PSC adopted an order approving New York State Electric & Gas Corporation’s (NYSEG) petition to transfer street lighting facilities located within the Town of Sand Lake (Sand Lake) to Sand Lake.

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

**Subject:** Transfer of street lighting facilities.

**Purpose:** To approve NYSEG’s petition to transfer street lighting facilities to Sand Lake.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving New York State Electric & Gas Corporation’s (NYSEG)

petition to transfer street lighting facilities located within the Town of Sand Lake (Sand Lake) to Sand Lake. The authority is granted for one year from the issuance of the order and shall expire if the transaction does not occur within that time period. If the transaction does not occur within the one-year period, NYSEG is directed to notify the Secretary and provide a written explanation stating why the transfer did not occur. NYSEG is directed to file with the Secretary, within 60 days of the sale closing, a copy of the actual journal entries, including all related workpapers, recorded to account for the transaction, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(22-E-0151SA1)

## NOTICE OF ADOPTION

## Joint Petition for Modifications to RDM Mechanics

I.D. No. PSC-17-22-00001-A

Filing Date: 2022-07-15

Effective Date: 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Central Hudson Gas & Electric Corporation (Central Hudson) and Multiple Intervenors’ (MI) joint petition to modify the mechanics of the Revenue Decoupling Mechanisms (RDM).

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

**Subject:** Joint petition for modifications to RDM mechanics.

**Purpose:** To approve Central Hudson and MI’s joint petition for modifications to RDM mechanics.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Central Hudson Gas & Electric Corporation (Central Hudson) and Multiple Intervenors’ (MI) joint petition to modify the mechanics of the Revenue Decoupling Mechanisms (RDM) applicable to Service Classification No. 13 in Central Hudson’s P.S.C. No. 15 – Electricity tariff schedule and Service Classification No. 11 in Central Hudson’s P.S.C. No. 12 – Gas tariff schedule, subject to the terms and conditions set forth in the order.

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

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

**Assessment of Public Comment**

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

(20-E-0428SA2)

## NOTICE OF ADOPTION

## Submetering of Electricity and Waiver Request

I.D. No. PSC-17-22-00002-A

Filing Date: 2022-07-18

Effective Date: 2022-07-18

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

**Action taken:** On 7/14/22, the PSC adopted an order approving WBLM 14 Le Count Owner, LLC’s (WBLM 14 Le Count) notice of intent to submeter electricity at 10 LeCount Place, New Rochelle, New York, and waiver request of the energy requirements of 16 NYCRR section 96.5(k)(3).

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

**Subject:** Submetering of electricity and waiver request.

**Purpose:** To approve WBLM 14 Le Count's notice of intent to submeter electricity and waiver request.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving WBLM 14 Le Count Owner, LLC's notice of intent to submeter electricity at 10 LeCount Place, New Rochelle, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and a waiver request of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

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

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

#### Assessment of Public Comment

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

(22-E-0097SA1)

## NOTICE OF ADOPTION

### Financing Petition

**I.D. No.** PSC-17-22-00003-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Flint Mine Solar, LLC (Flint Mine Solar) and DESRI Flint Mine Development, L.L.C.'s (DESRI) petition to enter into financing arrangements, up to the maximum amount of \$300 million.

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

**Subject:** Financing petition.

**Purpose:** To approve Flint Mine Solar and DESRI to enter into financing arrangements.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Flint Mine Solar, LLC (Flint Mine Solar) and DESRI Flint Mine Development, L.L.C.'s (DESRI) petition to enter into financing arrangements, with flexibility to modify, without prior approval, the identity of the financing entities, the payment terms, and the amount financed, up to the maximum amount of \$300 million, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the April 27, 2022 issue of the Register, I.D. No. PSC-17-22-00003-P.

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

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

#### Assessment of Public Comment

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

(22-E-0183SA1)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-18-22-00003-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Central

Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 12 - Gas, modifying mechanics of Revenue Decoupling Mechanisms (RDM), to become effective July 20, 2022.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Central Hudson's tariff amendments.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 12 - Gas, modifying mechanics of Revenue Decoupling Mechanisms (RDM), to become effective July 20, 2022. Central Hudson is directed to individually notify affected customers of the Commission's decision in this proceeding and to file a copy of the notification with the Secretary to the Commission, not later than August 1, 2022, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the May 4, 2022 issue of the Register, I.D. No. PSC-18-22-00003-P.

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

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

#### Assessment of Public Comment

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

(20-G-0429SA2)

## NOTICE OF ADOPTION

### Tariff Amendments

**I.D. No.** PSC-18-22-00006-A

**Filing Date:** 2022-07-15

**Effective Date:** 2022-07-15

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 15—Electricity, modifying mechanics of Revenue Decoupling Mechanisms (RDM), to become effective July 20, 2022.

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

**Subject:** Tariff amendments.

**Purpose:** To approve Central Hudson's tariff amendments.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Central Hudson Gas & Electric Corporation's (Central Hudson) tariff amendments to P.S.C. No. 15 - Electricity, modifying mechanics of Revenue Decoupling Mechanisms (RDM), to become effective July 20, 2022. Central Hudson is directed to individually notify affected customers of the Commission's decision in this proceeding and to file a copy of the notification with the Secretary to the Commission, not later than August 1, 2022, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the May 4, 2022 issue of the Register, I.D. No. PSC-18-22-00006-P.

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

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

#### Assessment of Public Comment

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

(20-E-0428SA3)

**PROPOSED RULE MAKING  
HEARING(S) SCHEDULED**

**Proposed Major Rate Increase in NYSEG's Electric Delivery Revenues of Approximately \$274 Million (or 16.8% in Total Revenues)**

**I.D. No.** PSC-31-22-00005-P

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

**Proposed Action:** The Commission is considering a proposal filed by New York State Electric & Gas Corporation (NYSEG) to make changes in the rates, charges, rules and regulations as contained in Tariff Schedules P.S.C. No. 119, 120, and 121 — Electricity.

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

**Subject:** Proposed major rate increase in NYSEG's electric delivery revenues of approximately \$274 million (or 16.8% in total revenues).

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

**Public hearing(s) will be held at:** 10:30 a.m., November 2, 2022 and continuing daily as needed, via teleconference. (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 22-E-0317.

**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:** The Commission is considering a proposal, filed on May 26, 2022, by New York State Electric & Gas Corporation (NYSEG) to increase its electric delivery revenues for the rate year, or twelve months ending April 30, 2024, as contained in P.S.C. No. 119, 120, and 121 — Electricity.

NYSEG is requesting an increase in annual electric delivery revenues of approximately \$274 million (31.2 percent increase in delivery revenues, or 16.8 percent increase in total revenues). NYSEG's requested increase in electric delivery revenues would result in a total monthly bill increase of about \$18.31 (22.2 percent increase on the total bill) for a residential customer using 600 kWh/month. NYSEG states that the major drivers of this filing include residual rate pressures from its 2019 rate cases, costs necessary to support its core business, which includes property taxes and inflation, costs associated with New York State policy goals, and costs for reliability and system resiliency projects. The initial suspension period for the proposed filing runs through October 21, 2022.

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 also 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:** Five days after the last scheduled public hearing.

**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-0317SP1)

**PROPOSED RULE MAKING  
HEARING(S) SCHEDULED**

**Proposed Major Rate Increase in NYSEG's Gas Delivery Revenues of Approximately \$43.4 Million (or 9.8% in Total Revenue)**

**I.D. No.** PSC-31-22-00006-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 New York State Electric & Gas Corporation (NYSEG) to make changes in the rates, charges, rules and regulations as contained in Tariff Schedules P.S.C. No. 87, 88, and 90 — Gas.

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

**Subject:** Proposed major rate increase in NYSEG's gas delivery revenues of approximately \$43.4 million (or 9.8% in total revenues).

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

**Public hearing(s) will be held at:** 10:30 a.m., November 2, 2022 and continuing daily as needed, via teleconference. (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 22-G-0318.

**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:** The Commission is considering a proposal, filed on May 26, 2022, by New York State Electric & Gas Corporation (NYSEG) to increase its gas delivery revenues for the rate year, or twelve months ending April 30, 2024, as contained in P.S.C. No. 87, 88, and 90 — Gas.

NYSEG is requesting an increase in annual gas delivery revenues of approximately \$43.4 million (20.7 percent increase in delivery revenues, or 9.8 percent increase in total revenues). NYSEG's requested increase in gas delivery revenues would result in a total monthly bill increase of about \$14.94 (15.6 percent increase on the total bill) for a residential heating customer using 83 therms per month. NYSEG states that the major drivers of this filing include residual rate pressures from its 2019 rate cases, costs necessary to support its core business, which includes property taxes and inflation, costs associated with New York State policy goals, and costs for reliability and system resiliency projects. The initial suspension period for the proposed filing runs through October 21, 2022.

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 also 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:** Five days after the last scheduled public hearing.

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

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

(22-G-0318SP1)



**PROPOSED RULE MAKING  
HEARING(S) SCHEDULED**

**Proposed Major Rate Increase in RG&E's Gas Delivery Revenues of Approximately \$37.7 Million (or 9.7% in Total Revenues)**

**I.D. No.** PSC-31-22-00007-P

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

**Proposed Action:** The Commission is considering a proposal filed by Rochester Gas and Electric Corporation (RG&E) to make changes in the rates, charges, rules and regulations as contained in Tariff Schedule P.S.C. No. 16 — Gas.

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

**Subject:** Proposed major rate increase in RG&E's gas delivery revenues of approximately \$37.7 million (or 9.7% in total revenues).

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

**Public hearing(s) will be held at:** 10:30 a.m., November 2, 2022 and continuing daily as needed, via teleconference. (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 22-G-0320.

**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:** The Commission is considering a proposal, filed on May 26, 2022, by Rochester Gas and Electric Corporation (RG&E) to increase its gas delivery revenues for the rate year, or twelve months ending April 30, 2024, as contained in P.S.C. No. 16 — Gas.

RG&E is requesting an increase in annual gas delivery revenues of approximately \$37.7 million (20.9 percent increase in delivery revenues, or 9.7 percent increase in total revenues). RG&E's requested increase in gas delivery revenues would result in a total monthly bill increase of about \$9.62 (12.8 percent increase on the total bill) for a residential heating customer using 83 therms per month. RG&E states that the major drivers of this filing include residual rate pressures from its 2019 rate cases, costs necessary to support its core business, which includes property taxes and inflation, costs associated with New York State policy goals, and costs for reliability and system resiliency projects. The initial suspension period for the proposed filing runs through October 21, 2022.

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 also 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:** Five days after the last scheduled public hearing.

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

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

(22-G-0320SP1)

**PROPOSED RULE MAKING  
HEARING(S) SCHEDULED**

**Proposed Major Rate Increase in RG&E's Electric Delivery Revenues of Approximately \$93.8 Million (or 11.3% in Total Revenues)**

**I.D. No.** PSC-31-22-00009-P

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

**Proposed Action:** The Commission is considering a proposal filed by Rochester Gas and Electric Corporation (RG&E) to make changes in the rates, charges, rules and regulations as contained in Tariff Schedules P.S.C. No. 18 and 19 — Electricity.

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

**Subject:** Proposed major rate increase in RG&E's electric delivery revenues of approximately \$93.8 million (or 11.3% in total revenues).

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

**Public hearing(s) will be held at:** 10:30 a.m., November 2, 2022 and continuing daily as needed, via teleconference. (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 22-E-0319.

**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:** The Commission is considering a proposal, filed on May 26, 2022, by Rochester Gas and Electric Corporation (RG&E) to increase its electric delivery revenues for the rate year, or twelve months ending April 30, 2024, as contained in P.S.C. No. 18 and 19 — Electricity.

RG&E is requesting an increase in annual electric delivery revenues of approximately \$93.8 million (19.0 percent increase in delivery revenues, or 11.3 percent increase in total revenues). RG&E's requested increase in electric delivery revenues would result in a total monthly bill increase of about \$12.95 (15.0 percent increase on the total bill) for a residential customer using 600 kWh/month. RG&E states that the major drivers of this filing include residual rate pressures from its 2019 rate cases, costs necessary to support its core business, which includes property taxes and inflation, costs associated with New York State policy goals, and costs for reliability and system resiliency projects. The initial suspension period for the proposed filing runs through October 21, 2022.

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 also 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:** Five days after the last scheduled public hearing.

**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-0319SP1)

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

**Petition to Submeter Electricity**

**I.D. No.** PSC-31-22-00003-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 79th Owner, LLC to submeter electricity at 109 East 79th 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:** Petition to submeter electricity.

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

**Substance of proposed rule:** The Public Service Commission (Commission) is considering the revised petition filed by 79th Owner LLC on May 4, 2022, seeking authority to submeter electricity a new fair market rental building at 109 East 79th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the petition, 79th Owner LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. 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 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-E-0202SP1)

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

**Joint Petition for an Order Authorizing the Transfer of Certain Real and Personal Property**

**I.D. No.** PSC-31-22-00004-P

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

**Proposed Action:** The Commission is considering a joint petition filed by Consolidated Edison Company of New York, Inc. and New York Transco LLC to provide easements and to transfer certain real and personal property located in the Town of Pleasant Valley, Dutchess County.

**Statutory authority:** Public Service Law, section 70

**Subject:** Joint petition for an order authorizing the transfer of certain real and personal property.

**Purpose:** To consider the transfer of certain real and personal property from Con Edison to Transco.

**Substance of proposed rule:** The Commission is considering a joint petition filed on May 26, 2022 by Consolidated Edison Company of New York, Inc. (Con Edison) and New York Transco LLC (Transco) pursuant to Public Service Law Section 70(1) requesting authorization for Con Edison to grant Transco temporary and permanent easement interests over

the parcel upon which Con Edison's existing Pleasant Valley 345 kV substation (345kV Substation) is located at 5-11 Niagara Road, Town of Pleasant Valley, Dutchess County, New York, 12569, Tax Map Parcel 6363-02-515520 (the Real Property).

The temporary easements would provide Transco the rights to construct an expansion of the 345 KV Substation to accommodate Line Y58 and Line Y59 to and from the new Van Wagner Station and to access portions of the real property outside the existing 115 kV Pleasant Valley Substation (115 kV Substation) owned by Central Hudson Gas & Electric for construction purposes relating to the existing 115 KV transmission lines owned by National Grid. The permanent easements would grant Transco the rights to construct, reconstruct, alter, upgrade, operate, maintain, repair, improve, enhance, inspect, remove, and replace Transco's new double-circuit 345 kV Lines Y58 and Y59 that will run from the 345kV Substation to Van Wagner Station, Transco's new 345 KV transmission Line Y57 entering the 345 kV Substation and the rebuilt National Grid Line #10 transmission line entering the 115 kV Substation, remove existing 115 kV transmission lines owned by National Grid, and access across the 345 kV Substation and portions of the Real Property.

The petition also seeks authority to transfer to Transco certain physical transmission property and equipment, comprising of two steel towers, poles, wires, conduits, conductor, insulators, and other ancillary equipment owned by Con Edison related to the existing 345 kV Line #91 and Line #92, which are needed for construction and operation of Transco's New York Energy Solution transmission project.

The full text of the joint 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-E-0316SP1)

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

**Pension Settlement Payout Losses Incurred in 2021**

**I.D. No.** PSC-31-22-00008-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 Liberty Utilities (New York Water) Corp. (Liberty) requesting deferral accounting and amortization of pension settlement losses.

**Statutory authority:** Public Service Law, section 89-c

**Subject:** Pension settlement payout losses incurred in 2021.

**Purpose:** Consideration of Liberty's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2021.

**Substance of proposed rule:** The Commission is considering a petition filed Liberty Utilities (New York Water) Corp. (Company), seeking approval to defer and amortize for future rate recognition losses incurred due to lump sum pension payouts from the Company's pension plan if those payouts triggered settlements, pursuant to the Commission's Statement of Policy and Order Concerning the Accounting and Ratemaking Treatment for Pensions and Postretirement Benefits Other Than Pensions filed in Case 91-M-0890.

The Company states that the proposed deferral and amortization of

\$360,247 related to two settlement losses calculated to be \$93,623 and \$266,624 that occurred in April 2021 and December 2021, respectively, would be less detrimental to ratepayers than the resulting cost and reputational harm of terminating the associated pension trust accounts.

The Company proposes to defer the two settlement losses and amortize the resulting regulatory asset over ten years and to establish a regulatory liability account on the Company's books. The accounts would then remain on the Company's books until its next rate case, where the accounts would be amortized beginning on the effective date of the new rates.

The Company also requests the Commission consolidate petitions it currently has pending in Cases 17-W-0062 and 21-W-0364, which seek similar Commission approval to defer and amortize losses incurred due to lump sum pension payouts, with this case for the Commission to consider in a single Order.

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) 474-6517, 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.

(21-W-0404SP1)

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## Office of Victim Services

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

**Office of Victim Services Direct Reimbursement to Medical Providers for Services to Sexual Assault Survivors**

**I.D. No.** OVS-31-22-00010-P

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

**Proposed Action:** Amendment of 525.12(h) of Title 9 NYCRR.

**Statutory authority:** Executive law, sections 623(3) and 631(13)

**Subject:** Office of Victim Services direct reimbursement to medical providers for services to sexual assault survivors.

**Purpose:** To ensure OVS' related regulations reflected the current law and to provide guidance to the medical providers.

**Text of proposed rule:** Subdivision (h) of section 525.12 is amended to read as follows:

(h) Direct reimbursement [of forensic] for services to a sexual assault survivor [examinations].

(1) Definitions:

(i) Licensed provider shall mean any New York State accredited hospital or licensed physician, nurse practitioner, registered nurse or physician assistant practicing within the State of New York whose performance of services to a sexual assault [forensic examination] survivor is within the scope of practice of the discipline in which he or she holds a license or any other sexual assault examiner certified by the Department of Health to conduct [a sexual assault forensic examination] such services.

(ii) Sexual assault shall mean any sexual offense defined in article 130 of the New York State Penal Law.

(iii) Services to a sexual assault survivor shall mean the medical

examination and treatment directly related to a sexual assault, including but not limited to sexual offense evidence collection.

(iv) [Forensic examination] Sexual offense evidence collection shall mean an examination conducted by a licensed provider as defined in subparagraph (i) of this paragraph for the purpose of collecting and preserving evidence to document a sexual assault, conducted in accordance with the [New York State Department of Health's Protocol for the Acute Care of the Adult Patient Reporting Sexual Assault or the Child and Adolescent Sexual Offense Protocol. Copies of] sexual offense evidence protocol and standards established by the Department of Health. Information about these protocols may be obtained from the Department of Health at the following address and website:

The Bureau of Women, Infant, and Adolescent[']s Health  
NYS Department of Health  
Room 821[1882], Tower Building  
Empire State Plaza  
Albany, New York 12237-0621  
Phone: (518) 474-3664

<https://www.health.ny.gov/professionals/safe/>

(v) Sexual offense evidence collection kit shall mean a standard package of materials, instructions and forms for licensed providers to use in the collection and preservation of evidence from a sexual assault survivor's body.

(iv)(vi) Claim form shall mean the New York State Office of Victim Services Medical Provider [Forensic Rape Examination] Sexual Assault Services Direct Reimbursement Claim Form. In addition to being included in the Sexual Offense Evidence Collection Kit, this form is available from the Office of Victim Services online at <http://www.ovs.ny.gov>.

(vii) Billable codes shall mean standard medical billing codes that are recognized by the New York State Department of Health Medicaid program, including but not limited to ICD-10 Diagnosis codes, Current Procedural Terminology (CPT) codes, Healthcare Common Procedural Coding System (HCPCS) codes and National Drug Codes (NDC).

(2) Notwithstanding any contrary provisions, whenever a licensed provider administers [a forensic examination to a survivor of a] services to a sexual assault survivor [in accordance with the established protocol as defined in subparagraph (1)(iii) of this subdivision], such provider shall render such services without charge and shall bill the office directly for such services, unless the sexual assault survivor assigns his or her private insurance benefits for the [forensic examination] services, in which case the office shall not be billed for such services by the provider pursuant to this subdivision. Except as provided in paragraph (6) of this subdivision, nothing in this section shall preclude a licensed provider from billing a sexual assault survivor for medical services unrelated to the [forensic exam] medical examination and treatment directly related to a sexual assault as set forth in subparagraphs (5)(i), (ii), (iii) and (iv) of this subdivision.

(3) At the time of the initial visit, the provider shall:

(i) request assignment of any private health insurance benefits on a form prescribed by the office;

(ii) advise a sexual assault survivor orally and in writing that he or she may decline to provide private health insurance information if he or she believes it would substantially interfere with his or her personal privacy or safety;

(iii) advise a sexual assault survivor that providing such information may provide additional resources to pay for services to other sexual assault victims; and

(iv) require that if he or she declines to provide such health insurance information, he or she shall indicate such decision on the form prescribed by the office.

(4) Eligibility criteria.

(i) To establish eligibility, a licensed provider shall submit a completed Claim Form as defined in subparagraph (1)(i)(vi) of this subdivision and attach an itemized bill indicating the relevant [forensic examination related] medical services and [current procedural terminology (CPT)] proper billable codes associated with each service provided to the office at the address below:

Office of Victim Services  
Alfred E. Smith State Office Building  
80 South Swan Street, 2nd Floor  
Albany, NY 12210-8002

(ii) Upon receipt of a completed Claim Form with an itemized bill including [CPT] proper billable codes and acceptance by the Office of Victim Services, payment will be authorized directly to the licensed provider through the appropriate billing facility as set forth in paragraph (8) of this subdivision.

(5) [The provider shall be reimbursed at the rate of itemized charges not exceeding \$800 for forensic examiner services, hospital or healthcare facility services directly related to the forensic exam, and related laboratory tests and pharmaceuticals directly related to the exam.] The office has determined that reimbursable expenses shall include at a minimum:



(i) forensic examiner and hospital or healthcare facility services directly related to the [exam] *services to a sexual assault survivor*, including integral forensic supplies;

(ii) scope procedures directly related to the [forensic exam] *services to a sexual assault survivor*, including but not limited to anoscopy and colposcopy;

(iii) any laboratory testing directly related to the [forensic examination] *services to a sexual assault survivor*, including drug screening, urinalysis, pregnancy screening, [syphilis] *syphilis* screening, chlamydia culture, gonorrhea coverage culture, blood test for HIV screening, hepatitis B and C, herpes culture and any other STD testing directly related to the [forensic examination] *services to a sexual assault survivor*;

(iv) any pharmaceuticals directly related to the [forensic examination] *services to a sexual assault survivor*, including STD, pregnancy, [initial HIV prophylaxis up to a seven day supply and] hepatitis prophylaxis and *HIV post-exposure prophylaxis provided pursuant to subdivision 13 of section 631 of the executive law*;

(v) Except as provided in [paragraph (6) of] this subdivision, [follow-up post exposure HIV prophylaxis and follow-up HIV counseling,] charges for inpatient services, and for services other than those included in [subparagraphs (i), (ii), (iii) and (iv) of] this [paragraph] *subdivision* are not included in this rate and shall not be reimbursable under this [Part] subdivision, but shall continue to be reimbursable under established office procedure *pursuant to article 22 of the executive law*.

(6) The victim shall not be responsible for the payment of the cost of [the forensic examination or] any [other] services specified by the provider in its submission to the office pursuant to [paragraph (4) of] this subdivision. The licensed provider must accept the reimbursement rate as payment in full for those services submitted to the office pursuant to [paragraph (4) of] this subdivision [and included in subparagraphs (5)(i), (ii), (iii) and (iv) of this subdivision]. The licensed provider shall not submit any remaining balance due for such services after submission to the office to the victim or commence civil actions against the victim to recover any balance due for such services.

(7) The costs for multiple [forensic] examinations of the same victim will not be reimbursed. The cost of only one [forensic sexual assault] examination per victim per alleged sexual assault will be considered a reimbursable cost *pursuant to this subdivision. In the event that more than one visit is necessary to complete one such examination, the facility shall include all charges related to the complete examination in their application.*

(8) For the [forensic examination and services directly related to the forensic examination] *services to a sexual assault survivor*, the office will reimburse the facility in which the [forensic examination was] *services were conducted and whose operator's certificate number or facility identification, if applicable, appears on the Claim Form, [the amount of itemized charges not exceeding \$800] pursuant to subdivision 13 of section 631 of the executive law*. The amount reimbursed to the facility shall then, if applicable, be proportionately allocated among the service providers by the billing facility. *When making application under this subdivision, the billing facility shall:*

(i) *Itemize the services rendered by any licensed provider using proper billable codes, and*

(ii) *If a sexual offense evidence collection kit was used, itemize the services rendered using proper billable codes for any elements which comprise the use of the sexual offense evidence collection kit. In no event shall reimbursement be considered in excess of the difference between the maximum rates established by subparagraphs 1 and 2 of paragraph b of subdivision 13 of section 631 of the executive law.*

(9) Expenses must be related to [a forensic examination] *services to a sexual assault survivor* performed within [96] 120 hours following the incident. This reporting time shall be waived for a child victim or for any victim if good cause has been shown.

(i) *In no event shall reimbursement be considered pursuant to subparagraph 2 of paragraph b of subdivision 13 of section 631 of the executive law, related to the use of a sexual offense evidence collection kit, when the sexual assault survivor presents in excess of 120 hours after the alleged sexual assault.*

(10) A claim's *initial submission to the office* for reimbursement of expenses associated with [a forensic examination] *services to a sexual assault survivor* made pursuant to this section must be submitted within one-hundred eighty days [year] of the date of the examination to the [Albany Office of Crime Victim Services] *office pursuant to paragraph 4 of this subdivision.*

**Text of proposed rule and any required statements and analyses may be obtained from:** John Watson, General Counsel, NYS Office of Victim Services, 80 South Swan Street, Second Floor, Albany, NY 12210, (518) 457-8066, email: john.watson@ovs.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: New York State Executive Law, section 623(3) establishes a power and duty of the Office, "To adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes of this article..." Executive Law, section 631(13) relates to the direct reimbursement by the Office for, "... services to any sexual assault survivor, including but not limited to a health care forensic examination in accordance with the sex offense evidence collection protocol and standards established by the department of health... to the person without charge..."

2. Legislative objectives: With the adoption of the amendments to section 631(13) of the Executive Law by Chapter 681 of the Laws of 2019 and subsequent Chapter amendments [L.2020, c.55] the legislative objectives were to alter the way in which OVS directly reimbursed medical providers for services to sexual assault survivors and to ensure that sexual assault survivors, under the age of 18, who were determined to be at risk of transmission, would receive the full regimen of HIV post-exposure prophylaxis treatment (HIV-PEP) without charge. The statutory changes created a tiered system of reimbursement, based upon specific levels of services and the age of the sexual assault survivor, the maximum amounts of which would be tied to the state's Medicaid rate.

3. Needs and benefits: The current law specifically outlines the reimbursement methodology OVS is to adhere to. Since the enactment of these statutory changes, the Office has developed a rather specific procedure to fulfill its obligations under the letter of the law. It was determined that these regulations were necessary to: ensure the related regulations reflected the current law, provide guidance to the medical providers who file such claims with the Office, and ensure consistent processing and payment of such claims is made by the Office throughout the state.

4. Costs: a. Costs to regulated parties. It is not expected that the proposed regulations would impose any additional costs to the agency or State. The implementation of these regulatory changes should prove to create operational efficiencies for both the Office and the medical providers submitting such claims.

b. Costs to local governments. These proposed regulations do not apply to local governments and would not impose any additional costs on local governments.

c. Costs to private regulated parties. The proposed regulations do not impose any additional costs on private regulated parties.

5. Local government mandates: These proposed regulations do not impose any program, service, duty or responsibility upon any local government.

6. Paperwork: These proposed regulations do not require any additional paperwork requirements than are currently required of the Office's claimants.

7. Duplication: These proposed regulations do not duplicate any other existing state or federal requirements.

8. Alternatives: The proposed regulations have been carefully deliberated and are meant to act as more of a guide for medical providers to submit such claims for reimbursement rather than to fill-in any gaps in the statutory language. The statute is rather specific, and after nearly two years of processing these claims under the amended law, this regulatory language has been determined to be the most comprehensive way to ensure that the medical providers understand what is needed of them when filing such claims and the Office makes consistent determinations. This regulatory language could very well have been proposed as a consensus rule, but the Office wants to ensure proper vetting and review by those impacted.

9. Federal standards: The OVS is funded, in part, by the federal Victims of Crime Act (VOCA). The statute which determines how state crime victim compensation programs may determine awards is enumerated in 42 USCS 10602. This rule change does not contradict any of the federal provisions of section 10602 and is permissible under such provisions.

10. Compliance schedule: The regulations shall take effect upon the publication of the Notice of Adoption.

#### **Regulatory Flexibility Analysis**

The Office of Victim Services projects there will be no adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments in the State of New York as a result of this proposed rule change. This proposed rule change is designed to conform the Office's regulations with its enacting statute and provide clarification and guidance for providers of services to sexual assault survivors to file for and obtain direct reimbursement for such services from the Office. Since nothing in this proposed rule change will create any adverse impacts on any small businesses or local governments in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Regulatory Flexibility Analysis is not required and therefore one has not been prepared.

**Rural Area Flexibility Analysis**

The Office of Victim Services projects there will be no adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas in the State of New York as a result of this proposed rule change. This proposed rule change is designed to conform the Office's regulations with its enacting statute and provide clarification and guidance for providers of services to sexual assault survivors to file for and obtain direct reimbursement for such services from the Office. Since nothing in this proposed rule change will create any adverse impacts on any public or private entities in rural areas in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Rural Area Flexibility Analysis is not required and therefore one has not been prepared.

**Job Impact Statement**

The Office of Victim Services projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this proposed rule change. This proposed rule change is designed to conform the Office's regulations with its enacting statute and provide clarification and guidance for providers of services to sexual assault survivors to file for and obtain direct reimbursement for such services from the Office. Since nothing in this proposed rule change will create any adverse impacts on jobs or employment opportunities in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Job Impact Statement is not required and therefore one has not been prepared.

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

**Office of Victim Services Reimbursement for Items of Essential Personal Property**

I.D. No. OVS-31-22-00011-P

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

**Proposed Action:** Addition of sections 525.3(i), (j) and 525.12(n) of Title 9 NYCRR.

**Statutory authority:** Executive Law, sections 621(8) and 623(3)

**Subject:** Office of Victim Services reimbursement for items of essential personal property.

**Purpose:** To define and establish reasonable reimbursement amounts for items of EPP related to welfare.

**Text of proposed rule:** Section 525.3 is amended, adding new subdivisions (i) and (j) to read as follows:

(i) *Welfare as used in subdivision (n) of section 525.12 of this Part, shall mean items related to a victim's clothing, bedding, ability to communicate, and safe operation of their personal means of transportation.*

(j) *Receipted as used in subdivision (n) of section 525.12 of this Part, shall mean the original or replacement receipt indicating the purchase price of an item or items of essential personal property.*

Section 525.12 is amended, adding new subdivision (n) to read as follows:

(n) *Pursuant to and in accordance with this Part and Executive Law article 22 and subject to any applicable maximum award limitations contained therein, any award for essential personal property related to the victim's welfare shall be subject to the following limitations:*

(1) *All awards related to clothing shall be limited as follows: (i) Items of outerwear, suits and footwear shall be the receipted amount, in an amount not exceeding five-hundred dollars per item. (ii) All other items of clothing shall be the receipted amount, in an amount not exceeding one-hundred dollars per item.*

(2) *All awards related to bedding shall be limited as follows: (i) Mattress and platform or box spring shall be the receipted amount, in an amount not exceeding two-thousand dollars. (ii) All other items of bedding shall be the receipted amount, in a cumulative amount not exceeding five-hundred dollars.*

(3) *All awards made pursuant to Executive Law article 22 and this Part related to a victim's ability to communicate shall be limited to the receipted amount, in an amount not exceeding one-thousand five-hundred dollars per item.*

(4) *All awards made pursuant to Executive Law article 22 and this Part related to a victim's safe operation of their personal means of transportation shall be limited to the receipted amount, in an amount not exceeding two-thousand five-hundred dollars per item.*

(5) *Notwithstanding the provisions of paragraphs (1), (2) or (3) of this subdivision, if the information developed in the course of the investigation discloses that the victim's domicile was damaged or destroyed as a result of the crime of arson as defined by article 150 of the Penal Law and the claim is based upon such crime, or that the victim had to flee their domicile due to the crime upon which the claim is based, and the Office has not made or cannot make an award for relocation expenses pursuant to Executive Law article 22, the Office may make an award for related clothing, bedding and/or ability to communicate, unreceipted, in an amount up to the applicable maximum award limitations contained in Executive Law article 22.*

(6) *Notwithstanding the provisions of paragraphs (1), (2), (3) or (4) of this subdivision, if the information developed in the course of the investigation discloses that the claim for essential personal property is related to the victim's health or safety, such award shall be limited to the receipted amount, subject to the applicable maximum award limitations contained in Executive Law article 22.*

**Text of proposed rule and any required statements and analyses may be obtained from:** John Watson, General Counsel, NYS Office of Victim Services, 80 South Swan Street, Second Floor, Albany, NY 12210, (518) 457-8066, email: john.watson@ovs.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: New York State Executive Law, section 621(8) defines essential personal property (EPP) as, "... articles of personal property necessary and essential to the health, welfare or safety of the victim." Executive Law section 623(3) [eff. 10-06-22] establishes a power and duty of the Office, "To adopt, promulgate, amend and rescind suitable rules and regulations... for the definition and reasonable reimbursement of individual items of essential personal property considered essential and necessary for the victim's welfare..."

2. Legislative objectives: With the adoption of the amendments made to section 623(3) of the Executive Law in the enacted SFY 2022-23 State Budget [Part I, L.2022,c.55], the legislative intent is clear that with the significant increase in the amount for reimbursement of EPP, from \$500 to \$2,500, OVS was also to be provided the statutory authority to define and establish reasonable reimbursement for individual items of EPP considered essential and necessary for a crime victim's welfare.

3. Needs and benefits: The current law permits the Office to make awards to eligible claimants for items of EPP who are: (1) physically injured, (2) not physically injured, but victims of enumerated crimes and violations, (3) non-physically injured victims under the age of 18, (4) non-physically injured victims aged 60 or older, and (5) non-physically injured victims with a disability. Prior to the enactment of the SFY 2022-23 State Budget [Part I, L.2022, c.55] the reimbursement for EPP was statutorily capped at no more than \$500, including \$100 in cash losses. "Essential personal property" is defined in Article 22 as items necessary and essential to the health, welfare of safety of the victim.

The previously capped reimbursement rate of \$500 had been the same amount since 1998. Over the past two decades, through inflation and other cost-of-living increases, this capped amount became insufficient to meet the needs of a victim of crime in 2022 and often failed to make them whole for their EPP losses. The previously capped reimbursement rate was insufficient to cover even the expense of a stolen or damaged mobile phone, let alone many other items of EPP that may be stolen or damaged during the same crime.

With the enactment of the SFY 2022-23 State Budget [Part I, L. 2022, c.55] the reimbursement rate for EPP was significantly increased from \$500 to \$2,500. While this amendment raised the reimbursement cap, the Legislature also provided OVS the statutory authority to define and establish reasonable reimbursement for individual items of EPP considered essential and necessary for a crime victim's welfare through regulation. As personal property is not a federally [Victim of Crime Act (VOCA)] reimbursable expense, this was necessary to balance the needs of victims of crime with the finite, financial resources of the state fund which provides for the reimbursement of personal property, the Criminal Justice Improvement Account or CJIA.

4. Costs: a. Costs to regulated parties. It is not expected that the proposed regulations would impose any additional costs to the agency or State. The implementation of these regulatory changes should prove to create operational efficiencies within the Office and save the State money.

b. Costs to local governments. These proposed regulations do not apply to local governments and would not impose any additional costs on local governments.

c. Costs to private regulated parties. The proposed regulations do not impose any additional costs on private regulated parties.

5. Local government mandates: These proposed regulations do not

impose any program, service, duty or responsibility upon any local government.

WCB-28-21-00009-RP

July 14, 2021

July 14, 2022

6. Paperwork: These proposed regulations do not require any additional paperwork requirements than are currently required of the Office’s claimants.

7. Duplication: These proposed regulations do not duplicate any other existing state or federal requirements.

8. Alternatives: The proposed regulations have been carefully deliberated and are believed to be as liberal as possible to balance the needs of victims of crime with the finite, financial resources of the state CJIA. Any proposal which would expand the items eligible for reimbursement or the amounts of such reimbursement would deplete the CJIA and OVS would no longer be able to provide for any reimbursement of EPP – whether it be for victims’ welfare, or their health or safety. As proposed, and with the significant increase in the reimbursement for EPP, this has been determined to be the most balanced way to expand benefits while ensuring that the state can continue to provide such reimbursement for future victims.

9. Federal standards: The OVS is funded, in part, by the federal Victims of Crime Act (VOCA). The statute which determines how state crime victim compensation programs may determine awards is enumerated in 42 USCS 10602. This rule change does not contradict any of the federal provisions of section 10602 and is permissible under such provisions.

10. Compliance schedule: The regulations shall take effect on 10-06-22 and apply to all claims filed on or after such effective date.

**Regulatory Flexibility Analysis**

The Office of Victim Services projects there will be no adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments in the State of New York as a result of this proposed rule change. This proposed rule change is designed to provide a definition of and establish reasonable reimbursement for individual items of essential personal property considered essential and necessary for a crime victim’s welfare. Since nothing in this proposed rule change will create any adverse impacts on any small businesses or local governments in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Regulatory Flexibility Analysis is not required and therefore one has not been prepared.

**Rural Area Flexibility Analysis**

The Office of Victim Services projects there will be no adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas in the State of New York as a result of this proposed rule change. This proposed rule change is designed to provide a definition of and establish reasonable reimbursement for individual items of essential personal property considered essential and necessary for a crime victim’s welfare. Since nothing in this proposed rule change will create any adverse impacts on any public or private entities in rural areas in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Rural Area Flexibility Analysis is not required and therefore one has not been prepared.

**Job Impact Statement**

The Office of Victim Services projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this proposed rule change. This proposed rule change is designed to provide a definition of and establish reasonable reimbursement for individual items of essential personal property considered essential and necessary for a crime victim’s welfare. Since nothing in this proposed rule change will create any adverse impacts on jobs or employment opportunities in the state, no further steps were needed to ascertain these facts and none were taken. As apparent from the nature and purpose of this proposed rule change, a full Job Impact Statement is not required and therefore one has not been prepared.

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## Workers’ Compensation Board

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### NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Workers’ Compensation Board publishes a new notice of proposed rule making in the *NYS Register*.

**Telehealth**

I.D. No.	Proposed	Expiration Date
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**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.

**Public Service Commission**

PSC-31-22-00005-P ..... Proposed major rate increase in NYSEG’s electric delivery revenues of approximately \$274 million (or 16.8% in total revenues)

Teleconference—November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0317.

PSC-31-22-00006-P ..... Proposed major rate increase in NYSEG’s gas delivery revenues of approximately \$43.4 million (or 9.8% in total revenues)

Teleconference — November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-G-0318.

PSC-31-22-00007-P ..... Proposed major rate increase in RG&E’s gas delivery revenues of approximately \$37.7 million (or 9.7% in total revenues)

Teleconference — November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-G-0320.

PSC-31-22-00009-P ..... Proposed major rate increase in RG&E’s electric delivery revenues of approximately \$93.8 million (or 11.3% in total revenues)

Teleconference — November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)\*

\*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, public notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case 22-E-0319.

**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>0001</b>	<b>P</b>

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**AGRICULTURE AND MARKETS, DEPARTMENT OF**

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-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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF</b>			
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-RP	03/09/23	Part 113 - Medical Cannabis	The proposed rule established the framework for the medical cannabis program in New York State
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
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-13-22-00015-P	03/30/23	Jurisdictional Classification	To classify positions in the non-competitive class

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



**Action Pending Index**

**NYS Register/August 3, 2022**

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<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-16-22-00003-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
CCS-31-22-00002-P	08/03/23	Privileged Correspondence	To update law changes regarding correspondence from CANY
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
CJS-42-21-00004-EP	10/20/22	Professional Policing Standards	Implementation of the "New York State Professional Policing Act of 2021"
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-45-21-00001-P	11/10/22	Commercial Production Credit Program	Update regulations to include a third party verification process for application submissions
EDV-22-22-00003-P	06/01/23	Restaurant Return-to-Work Tax Credit Program	To add the additional administrative process for the additional restaurant return-to-work tax credit
EDV-24-22-00011-EP	06/15/23	New York City Musical and Theatrical Tax Credit program	To update the administrative process for the program and conform to statute
EDV-25-22-00003-EP	06/22/23	COVID-19 Capital Costs Tax Credit program	To create the administrative process for the program
<b>EDUCATION DEPARTMENT</b>			
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures	To address volume of special education due process complaints in the New York City due process system
EDU-09-22-00015-RP	03/02/23	Literacy (All Grades) certificate	Establishes the Literacy (All Grades) certificate
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-13-22-00029-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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-17-22-00010-P	04/27/23	State Aid for Public Library Systems, School Library Systems and Reference and Research Library Resource Councils	To align the Commissioner’s regulations with Chapters 563 and 322 of the Laws of 2021
EDU-22-22-00004-EP	06/01/23	Incidental teaching and substitute teaching flexibilities	To extend flexibilities for incidental teaching and substitute teaching
EDU-22-22-00005-P	06/01/23	Business and Marketing Content Specialty Test Safety Net	To create a safety net for the business and marketing content specialty test
EDU-22-22-00006-P	06/01/23	Education, examination, and experience requirements for licensure in the profession of public accountancy	To modernize the education, experience and examination standards for CPAs
EDU-22-22-00007-P	06/01/23	Unprofessional Conduct in the practice of veterinary medicine	To establish unprofessional conduct for multi veterinarian and solo veterinarian practices
EDU-22-22-00008-P	06/01/23	Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction)	To provide clarity as to the circumstances under which homebound instruction may be requested and delivered
EDU-22-22-00009-P	06/01/23	Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act	To implement the Dominic Murray Sudden Cardiac Arrest Prevention Act
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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
EDU-30-22-00010-EP	07/27/23	Mental health practitioners' diagnosis privilege	To implement Chapter 230 of the Laws of 2022 relating to mental health practitioners' diagnosis privilege
<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
SBE-30-22-00004-EP	07/27/23	Providing conforming signature collection requirements in regulation to conform with statute	To conform regulatory provisions to statutory provisions related to signature requirements
SBE-30-22-00005-EP	07/27/23	Providing revised deadline for designation of poll sites and new thresholds for number of early voting sites required	To conform regulatory provisions to canvassing provisions provided for by chapter 781 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



## Action Pending Index

NYS Register/August 3, 2022

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
*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.
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.
ENV-31-22-00001-EP	08/03/23	Peekamoose Valley Riparian Corridor	Protect public health, safety and general welfare and natural resources on the Peekamoose Valley Riparian Corridor
<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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
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.
SGC-30-22-00011-P	07/27/23	Licensing requirements for jockey's agent.	To align occupational licensing requirements with potential to perform role and align with model rules.
SGC-30-22-00012-P	07/27/23	Jockey equipment weighing rules for Thoroughbred racing	To enhance the integrity and safety of Thoroughbred racing
<b>GENERAL SERVICES, OFFICE OF</b>			
GNS-19-22-00026-P	05/11/23	Charitable Contributions Thru State Employees Federated Appeals	To reflect efficiencies offered by modern business processes
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-46-21-00005-P	11/17/22	Nursing Home Minimum Direct Resident Care Spending	Every RHCf shall spend a minimum of 70% of revenue on direct resident care and 40% of revenue on resident-facing staffing
HLT-46-21-00007-P	11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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 NYSED law for qualifications of technical personnel
HLT-12-22-00002-P	03/23/23	Reporting of Acute HIV Infection	To require clinicians to report any case of acute HIV within 24 hours of diagnoses
HLT-12-22-00003-P	03/23/23	Telehealth Services	To ensure continuity of care of telehealth services provided to Medicaid enrollees
HLT-23-22-00001-P	06/08/23	Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency
HLT-23-22-00002-P	06/08/23	COVID-19 Vaccinations of Nursing Home and Adult Care Facility Residents and Personnel	To require nursing homes and adult care facilities to conduct ongoing COVID-19 vaccinations of their residents and personnel
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

## HUMAN RIGHTS, DIVISION OF

HRT-21-22-00001-P	05/25/23	Required notice to Public housing program or assistance recipients regarding housing discrimination based on source of income	To comply with the requirements of Executive Law section 170-e
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## LABOR, DEPARTMENT OF

LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<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
*LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-17-22-00011-P	06/27/23	Access to records and fees collected under the Freedom of Information Law	To make necessary technical updates and to conform with FOIL regarding collection of fees
LPA-17-22-00012-P	exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
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 & ts affiliates and subsidiaries	To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	..... 12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*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>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
PKR-30-22-00001-P	..... 07/27/23	Listing of state parks, parkways, recreation facilities and historic sites (facilities) and address/contact updates	To update the listing of state parks, parkways, recreation facilities and historic sites and the address/contact information
<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 EMPLOYMENT RELATIONS BOARD</b>			
PRB-30-22-00003-P	..... 07/27/23	Rules and regulations to effectuate the purposes of the State Employment Relations Act (Labor Law art. 20)	To enact procedures for the Farm Laborers Fair Laborers Practice Act, which amended the State Employment Relations Act
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-27-04-00009-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-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
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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.
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs

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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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 Gypsy Trail Club, Inc.’s long-term financing agreements	To exempt Gypsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG’s petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG’s petition for a waiver of Commission policy and RG&E tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-34-21-00004-P	..... exempt	CDG subscriber eligibility requirements	To consider modifications to the CDG program eligibility requirements for certain Standby Service customers
PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators in New York State
PSC-36-21-00006-P	..... exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
PSC-36-21-00007-P	..... exempt	Pension settlement payout losses incurred in 2020	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2020
PSC-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified
PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard
PSC-37-21-00011-P	..... exempt	Green Button Connect implementation	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document
PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
PSC-37-21-00014-P	..... exempt	Consideration of Time Warner Cable Information Services (New York)'s Revised Implementation Plan and audit recommendations	To ensure that recommendations issued in a management and operations audit are appropriately addressed and implemented
PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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
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

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-01-22-00013-P	..... exempt	Interconnection costs	To consider a petition requesting relief from interconnection costs assigned by the interconnecting utility
PSC-01-22-00015-P	..... exempt	Petition to enter into a lease agreement and impose a surcharge	To consider entry into a lease agreement and to impose a surcharge
PSC-01-22-00017-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-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-04-22-00004-P	..... exempt	Extension of the State Universal Service Fund	To continue to provide universal service at a reasonable rate in certain service territories
PSC-04-22-00005-P	..... exempt	Petition to continue development and recover the costs of 23 local transmission projects	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals
PSC-05-22-00001-P	..... exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
PSC-05-22-00004-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-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-10-22-00014-P	..... exempt	Amendments to Outdoor Gas Lighting tariff provisions	To eliminate the outdated provisions concerning the use of natural gas for decorative outdoor lighting
PSC-10-22-00016-P	..... exempt	Amendments to Outdoor Gas Lighting tariff provisions	To eliminate the outdated provisions concerning the use of natural gas for decorative outdoor lighting
PSC-11-22-00012-P	..... exempt	Policies, budgets, and targets to support space and water heating electrification programs	To consider revised budgets and targets for Con Edison's New York Clean Heat Program
PSC-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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-13-22-00009-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-13-22-00014-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-15-22-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-15-22-00004-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-15-22-00005-P	..... exempt	Transfer of street lighting facilities	To consider the transfer of street lighting facilities to the Town of Walkill
PSC-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-18-22-00004-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-18-22-00007-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

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-19-22-00024-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-19-22-00025-P	..... exempt	Application of PSL provisions to Xerox as an electric corporation and water-works corporation	To consider whether Xerox should be exempt from PSL provisions, including requirements for full reports and keeping accounts
PSC-20-22-00004-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-22-00005-P	..... exempt	Proposed tariff amendment to eliminate references to mercury vapor lamps and to add LED lamps	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-20-22-00006-P	..... exempt	Electric metering equipment	To consider use of electric meter and ensure that consumer bills will be based on accurate measurements of electric usage
PSC-20-22-00007-P	..... exempt	A debt financing arrangement with respect to a proposed electric transmission project	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply
PSC-20-22-00008-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-20-22-00009-P	..... exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
PSC-20-22-00010-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2), 86.4(b)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
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

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<b>PUBLIC SERVICE COMMISSION</b>			
PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
PSC-22-22-00001-EP	..... exempt	Amendment of Con Edison's electric tariff to reduce the likelihood of extreme and sudden price volatility	To protect electric customers from extreme and sudden commodity price volatility
PSC-22-22-00013-P	..... exempt	National Grid' s proposed gas demand response program	To determine if National Grid's proposed gas demand response program is in the public interest
PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
PSC-22-22-00015-P	..... exempt	Proposal to make an adjustment to its URD surcharge	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-22-22-00017-P	..... 06/01/23	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-23-22-00022-P	..... exempt	Transfer of Arbor Hills' assets and a rate proposal regarding investments made by Liberty in the Arbor Hills system	To determine if the transfer of Arbor Hills' assets and a rate proposal is in the public interest
PSC-23-22-00023-P	..... exempt	16 NYCRR Article VII waiver	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-25-22-00006-P	..... exempt	The financial impacts of the COVID-19 pandemic	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic
PSC-25-22-00007-P	..... exempt	Notice of intent to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
PSC-26-22-00009-P	..... exempt	Minor rate filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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.
PSC-30-22-00008-P	..... exempt	Green gas products.	To consider whether the proposed green gas products should be offered to mass-market customers by ESCOs.
PSC-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-31-22-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-22-00004-P	..... exempt	Joint petition for an order authorizing the transfer of certain real and personal property.	To consider the transfer of certain real and personal property from Con Edison to Transco.
PSC-31-22-00005-P	..... exempt	Proposed major rate increase in NYSEG's electric delivery revenues of approximately \$274 million (or 16.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-22-00006-P	..... exempt	Proposed major rate increase in NYSEG's gas delivery revenues of approximately \$43.4 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-22-00007-P	..... exempt	Proposed major rate increase in RG&E's gas delivery revenues of approximately \$37.7 million (or 9.7% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-31-22-00008-P	..... exempt	Pension settlement payout losses incurred in 2021.	Consideration of Liberty's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2021.
PSC-31-22-00009-P	..... exempt	Proposed major rate increase in RG&E's electric delivery revenues of approximately \$93.8 million (or 11.3% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
<b>STATE, DEPARTMENT OF</b>			
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
DOS-29-22-00004-P	..... 09/21/23	Updates to educational standards.	Conform existing regulations to changes required relating to fair housing education.
DOS-30-22-00002-EP	..... 07/27/23	Eligible professions for the purchase, sale and delivery of body armor	Establish criteria for professions requiring the use of body armor and processes for body armor purchase, sale or delivery
DOS-30-22-00007-P	..... 07/27/23	Notaries public	To set standards relating to the performance of notarial acts, including electronic notarial acts
<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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
*TAF-46-20-00003-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-20-22-00013-P	..... exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period July 1, 2022 through September 30, 2022
TAF-23-22-00006-P	..... 06/08/23	Designation of a records appeals officer to decide appeals from departmental responses to requests for public access to records	To provide for greater flexibility in designating a records appeals officer to decide appeals under FOIL
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-01-22-00001-EP	..... 01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
TDA-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>VICTIM SERVICES, OFFICE OF</b>			
OVS-31-22-00010-P	..... 08/03/23	Office of Victim Services direct reimbursement to medical providers for services to sexual assault survivors	To ensure OVS' related regulations reflected the current law and to provide guidance to the medical providers
OVS-31-22-00011-P	..... 08/03/23	Office of Victim Services reimbursement for items of essential personal property	To define and establish reasonable reimbursement amounts for items of EPP related to welfare
<b>WORKERS' COMPENSATION BOARD</b>			
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

### PROVIDE FACILITY CLOSURE Downstate Correctional Facility Fishkill, Dutchess County

Sealed bids for Project Nos. Q1824-C, Q1824-H, Q1824-P and Q1824-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Provide Facility Closure, Downstate Correctional Facility, 121 Red Schoolhouse Road, Fishkill (Dutchess County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, August 24, 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 \$40,100 for C, \$36,000 for H, \$28,200 for P, and \$18,400 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract values of \$1,070,000 for C, \$900,000 for H, \$705,000 for P, and \$245,000 for E.

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

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

provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 365 days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on August 11, 2022, at 71 Duck Pond Dr., Beacon, NY 12408. 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 George Trashani (845-765-7131) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% 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: 0% for the C trade contractor, 0% for the E trade contractor, 0% for the H trade contractor, and 0% 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/RELOCATE  
EXHAUST FAN/STEAM AND CHILLED WATER  
EQUIPMENT  
State Office Building Campus  
Albany, Albany County**

Sealed bids for Project No. 46092-H, comprising a contract for HVAC Work, Provide Exhaust Fan & Relocate Steam/Chilled Water Equipment, Building 6, State Office Building Campus, 1220 Washington Avenue, 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, August 17, 2022, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$23,700 for H).

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

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

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

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

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

The substantial completion date for this project is 279 days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on August 3, 2022, at the State Office Building Campus, 1220 Washington Avenue, Building 5 – Lobby, Albany, NY 12226. 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 Eileen Duggan (518- 485-8749) 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 10% for MWBE participation, 5% for Minority-Owned Business Enterprises (“MBE”) participation and 5% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 3% for the H 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

### Deferred Compensation Board

Pursuant to the provisions of 9 NYCRR, Section 9003.2, authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Wednesday, August 3, 2022, is soliciting proposals from Financial Organizations to provide transition management services to the Plan. The transition management services will be needed in the event of a significant mutual fund, collective investment trust (CIT), or separate account redemption/termination. The mutual fund(s) and CITs would represent one or more of the investment options and the separate account(s) would represent all or a portion of one of the investment options under the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto. A copy of the request for proposals may be obtained from Mark Kinoshita, Senior Vice President, Callan, LLC at: [kinoshita@callan.com](mailto:kinoshita@callan.com) or on the Board's web site: [www.deferredcompboard.ny.gov](http://www.deferredcompboard.ny.gov). All proposals must be received no later than 5pm EST on Wednesday, September 14, 2022. This notice was prepared by Sharon Lukacs, Deputy Director, New York State Deferred Compensation Plan, 1450 Western Avenue, Suite 103, Albany, NY 12203.

## PUBLIC NOTICE

### Department of Financial Services

A Notice of Proposed Rule Making, ID no. DFS-24-22-00010-P, was published in issue 24 of the State Register on June 15, 2022 pertaining to Licensed Cashers of Checks; Fees. The purpose of the Proposed Amendment to Regulation 3 NYCRR 400.11 is to change the maximum fee that may be charged by licensed check cashers and remove an automatic inflation adjustment.

The public comment period for this proposal shall be extended from

60 days to 91 days. The present comment period was scheduled to end on August 15, 2022 and is hereby extended up to and including September 15, 2022.

## PUBLIC NOTICE

### Office of Parks, Recreation and Historic Preservation

Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, September 8, 2022 at Peebles Island State Park, 1 Delaware Avenue, Cohoes, NY 12047.

The following properties will be considered:

1. Brisbane Building, Buffalo, Erie County
2. Buffalo Public School #75 (PS 75), Buffalo, Erie County
3. J.W. Ruger Company & Deck Bros. Building, Buffalo, Erie County
4. Naples Viniculture Historic District, Naples, Ontario County
5. The Huntington Building, Seneca Falls, Seneca County
6. Martin & Andrew Sperbeck House, Fairport, Monroe County
7. Crosman Terrace Historic District, Rochester, Monroe County
8. Perry Village Hall, Perry, Wyoming County
9. Shipley-Teats House, Williamson, Wayne County
10. Bristol Methodist Episcopal Church, Bristol Center, Ontario County
11. Residence at 475 Loudon Road, Colonie, Albany County
12. Beattie Machine Works, Cohoes, Albany County
13. West Harlem Historic District, New York, New York County
14. Lithuanian Alliance of America, New York, New York County
15. Richmond Town Historic District, Staten Island, Richmond County
16. Fort Plain Historic District Boundary Increase and Additional Documentation, Fort Plain, Montgomery County
17. Cameo Theatre, Binghamton, Broome County
18. Sheltered Workshop for the Disabled, Binghamton, Broome County
19. Amphion Piano Player Factory, Syracuse, Onondaga County
20. Smith Restaurant Supply, Syracuse, Onondaga County
21. Syracuse Bread Company, Syracuse, Onondaga County
22. Elmer Avenue School, Schenectady, Schenectady County
23. Martinsburg Common School District #4, Martinsburg, Lewis County
24. Corey Cottage, Saranac Lake, Franklin County
25. Three Squares Historic District (Boundary Expansion and Boundary Retraction), Glens Falls, Warren County
26. Graves Mansion, Au Sable Forks, Essex County
27. Red Rock Schoolhouse, Red Rock, Columbia County
28. Muldor/Miller House, Claverack, Columbia County

To be considered by the board, comments may be submitted to Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Wednesday, September 7 or may be submitted in person at the meeting by contacting Daniel Mackay at the same address no later than September 8.

For further information, contact: Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 268-2171

## PUBLIC NOTICE

Public Service Commission  
NOTICE OF ADOPTION

### Electric emergency response plan

**I.D. No.** PSC-02-22-00005-A

**Filing Date:** 2022-07-19

**Effective Date:** 2022-07-19

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

**Action taken:** On 7/14/22, the PSC adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) amended emergency response plan, filed on June 7, 2022.

**Statutory authority:** Public Service Law, sections 5(1)(b), 25-a and 66(21)

**Subject:** Electric emergency response plan.

**Purpose:** To approve Con Edison's amended electric emergency response plan.

**Substance of final rule:** The Commission, on July 14, 2022, adopted an order approving Consolidated Edison Company of New York, Inc.'s (Con Edison) amended electric emergency response plan, filed on June 7, 2022. Con Edison shall implement that plan, subject to the terms and conditions set forth in the order.

**Text or summary was published** in the January 12, 2022 issue of the Register, I.D. No. PSC-02-22-00005-P.

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

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

### Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (21-E-0567SA1)

## PUBLIC NOTICE

Department of State  
F-2022-0390

Date of Issuance – August 3, 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-2022-0390, New York Power Authority (NYPA) is proposing

the construction of the Haverstock Substation, including connections in and out of it to the MW-Patnode lines, as well as rebuilding of the MW Patnode lines for approximately 9 miles from the Haverstock Substation to the Franklin County line. Project location is in St Lawrence County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0390nypasmartpathconnect.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): Moses-Saunders Tailwater Significant Coastal Fish and Wildlife Habitat; Grasse River Significant Coastal Fish and Wildlife Habitat.

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 September 2, 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](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-2022-0436

Date of Issuance – August 3, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0436, Westchester County, Planning Department, is proposing to create an approximately 1,000 linear foot living shoreline along a section of eroded beach, composed of low intertidal wave attenuating structures, an intertidal salt marsh, and a vegetated coastal dune. Install 2,627 cubic yards (CY) boulder sills over 16,560 square feet (sf), 43 CY and reef balls over 997 sf. Excavate 0.19 acres, removing approximately 710 CY sand and cobble from below spring high water to be reused onsite to create the dune.

The proposed work would be located along the shoreline of Long Island Sound at the southern end of Playland Parkway on the isthmus between the amusement rides of Playland Park and the Edith G. Read Natural Park and Wildlife Sanctuary in the City of Rye, Westchester County.

The stated purpose of the proposed action is to restore the shoreline and prevent Erosion.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0436publicnotice.pdf> and plan sheets can be viewed at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0436publicnoticeplans.pdf> or at <https://dos.ny.gov/public-notices>

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

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or September 9, 2022.

**Comments should be addressed to:** Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave.,

Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

**PUBLIC NOTICE**

Department of State  
F-2022-0452

Date of Issuance – August 3, 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-2022-0452, NYS Bulk LLC is proposing the installation of moorings at seven Anchorage Area locations: two at Tomkins Cove (north and south), two at Jamaica Bay, one at Raritan Bay, one at Governors Island, and one at East River – Whitestone.

Project locations are Tomkins Cove, Rockland County, Hudson River and various locations throughout NYC, East River, Jamaica Bay, Raritan Bay.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0452nysbulkllc.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): New York City and Stony Point Local Waterfront Revitalization Programs.

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 September 2, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

**PUBLIC NOTICE**

Department of State  
F-2022-0466

Date of Issuance – August 3, 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-2022-0466, NYC Parks and Recreation [Rockaway Community Park], Installing a natural stone sill, placing clean sand above the sill within the unvegetated mudflat, and planting native marsh

vegetation. Tidal wetland restoration along the western and eastern shorelines of Rockaway Community Park in Sommerville Basin and Conch Basin. Additional restoration will include anthropogenic debris/fill removal, backfilling with clean sand, and planting native marsh vegetation.

New York City, Queens County, Sommerville Basin and Conch Basin

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/8/F-2022-0466consistcert.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): Jamaica Bay- [https://dos.ny.gov/system/files/documents/2020/03/jamaica\\_bay.pdf](https://dos.ny.gov/system/files/documents/2020/03/jamaica_bay.pdf)

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 September 2, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

**PUBLIC NOTICE**

Department of State  
F-2022-0476

Date of Issuance – August 3, 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-2022-0476, Scott Ammarell and Cheryl Pufahl are proposing to construct a 6’ x 90’ long seasonal floating dock facility, consisting of a 6’ x 24’ float, (3) 6’ x 20’ floats and a 6’ x 20’ float at the seaward end in a ‘‘T’’ configuration; seven seasonal metal stakes to support/hold the floats in place. The floats are proposed to have 18’’ tall, supported chock blocks on all four corners. The site is located on Llyod Harbor at 16 and 17 Heather Lane, Lloyd Harbor, NY, 11473.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0476ammarell&pufahl.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 September 2, 2022.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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



**PUBLIC NOTICE**

Department of State  
F-2022-0497

Date of Issuance – August 3, 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-2022-0497, Sunset Point Enterprises LLC is proposing to construct a new 4' x 30' catwalk with 3' x 12' ramp and 6' x 20' float arranged in a "L". The project is located on Swan Creek at 130 Pointe Mecox Lane, Bridgehampton, NY, 11976.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0497sunsetpointenterprises.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 September 2, 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](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-2022-0498

Date of Issuance – August 3, 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-2022-0498, Town of Ontario is proposing the installation of a walking trail, a 24' x 20' fishing pier, open recreational space, additional parking spaces, and rip rap bank stabilization on the west and east creek bank of Bear Creek. Project location is 2231 Lake Road, Town of Ontario, Wayne County, Lake Ontario/Bear Creek.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0498townofontario.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 September 2, 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](mailto:CR@dos.ny.gov)

tency 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](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-2022-0523

Date of Issuance – August 3, 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-2022-0523, Soft Stone Management is proposing the installation of 8 boat slips for condominium owners. The location of the project is 3112 Emmons Ave, Brooklyn, Kings County, Sheepshead Bay.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/08/f-2022-0523softstone.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s): New York City Local Waterfront Revitalization Programs.

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 September 2, 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](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  
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.

2022-0185 Matter of Mark Vincent Kruse, Architect, 308 East Meadow Avenue, East Meadow, NY 11554 for variances concerning, construction within a flood hazard zone. Involved is an existing detached dwelling located at 2353 Haylard Drive, Town of Hempstead, County of Nassau, State of New York.

2022-0188 Matter of Luigi Gileno Architect, PC, 485 Underhill Blvd., Suite 304 Syosset, NY 11791 for variances concerning, accessibility of a toiletroom. Involved is an existing building located at 158 Main Street, Town of North Hempstead, County of Nassau, State of New York.

2022-0191 Matter of John B. Zollo, 12 Manor Road, Smithtown,



NY 11787 for variances concerning, basement ceiling heights and plumbing fixture clearance requirements. Involved is an existing dwelling located at 275 Waldorf Avenue, Town of Hempstead, County of Nassau, State of New York.

2022-0197 Matter of H2M Architects & Engineers, 538 Broad Hollow Road, 4th Fl., East, Melville, NY 11747 for a variance concerning, automatic sprinkler requirements. Involved is a building under the jurisdiction of New York State Parks Department located at, Hempstead Lake State Park, Env. Ed. and Resiliency Center, Town of Hempstead, County of Nassau, State of New York.

2022-0217 Matter of Peter Albinski, Architect, 108 Forrest Avenue, Locust Valley, NY 11560 for a variance concerning, exterior fire spread and other provisions. Involved is an existing building located at, 108 South Street, Town of Oyster Bay, County of Nassau, State of New York.

2022-0226 Matter of Matthew Thorgersen, 330 Crosswalk Park Dr., Woodbury, NY 11797 for a variance concerning, location of storage tanks. Involved is a replacement tank located at Roslyn Village Wastewater Pump Station, Incorporated Village of Roslyn, County of Nassau, State of New York.

2022-0240 Matter of Steven I. and Joanne M. Blum, 353 Seabreeze Court, Moriches, NY 11955 for a variance concerning, fire separation distance requirements. Involved is an existing dwelling located at 353 Seabreeze Court, Town of Brookhaven, County of Suffolk, State of New York.

2022-0257 Matter of Michael Divito, 70 The Intervale, Roslyn Estates, NY 11576 for a variance concerning, swimming pool barrier requirements. Involved is a fence located at 70 The Intervale, Incorporated Village of Roslyn Estates, County of Nassau, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

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2022-0381 Matter of Integrity Expediting, Mitch Brendle, 2800 Middle Country Rd., Lake Grove, NY 11755, for a variance concerning safety requirements, including height under a girder. Involved is an existing dwelling located at 41 Cypress Avenue, Oceanside, Town of Hempstead, NY 11572, County of Nassau, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

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2022-0383 In the matter of Caroline Levine, Four The Byway, Ithaca, New York 14850 for a variance concerning a fire apparatus road width to an existing private lane located at 11 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.

2022-0384 in the Matter of Douglas A. Wright, 9521 Yorkview Drive, North Royalton, OH 44133, for a variance concerning safety requirements, including fixture location. Involved is a single-family dwelling located at 3851 Eleanor Drive, Town of Yorktown, NY 10547, County of Westchester, State of New York.

2022-0386 in the Matter of 22 Edgemont Road, LLC, Mark Mazzotta, 22 Edgemont Road, Katonah, NY 10536, for a variance concerning safety requirements, including accessibility. Involved is a three-story building located at 22 Edgemont Road, Town of Bedford, NY 10536, County of Westchester, State of New York.

2022-0387 in the Matter of Get My Co Corp, Timothy Lener, 57 Wheeler Ave., Suite 203, Pleasantville, NY 10570, for a variance concerning safety requirements, including clearance between fixtures. Involved is a one family dwelling located at 20 Byram Lake Road, Town of North Castle, NY 10504, County of Westchester, State of New York.

2022-0388 in the Matter of SI Design, Sid Schlomann, Three Petersville Road, Mount Kisco, NY 10549, for a variance concerning safety requirements, including ceiling height and fixtures. Involved is a one family dwelling located at 26 Meadow Road, Village of Scarsdale, NY 10583, County of Westchester, State of New York.

2022-0389 in the Matter of Sal Cannella, One Berwick Court, Fishkill, NY 12524, for a variance concerning safety requirements, including ceiling height. Involved is a townhouse located at One Berwick Court, Fishkill, NY 12524, County of Dutchess, State of New York.

2022-0390 in the Matter of Catskill Consultants, Inc., Brian A. Schug Jr., 22 North Main Street, Suite C, Ellenville, NY 12428, for a variance concerning safety requirements, including fire sprinkler. Involved is a two-story building located at 334 South Maplewood Road, Town of Thompson, NY 12701, County of Sullivan, 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.

2022-0385 In the matter of Karolina Hubner, Six The Byway, Ithaca, New York 14850 for a variance concerning a fire apparatus road width to an existing private lane located at Six 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 other-

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

2022-0391 In the matter of Timur Dogan and Katharina Kral, 10 The Byway, Ithaca, New York 14850 for a variance concerning a fire apparatus road width to an existing private lane located at 10 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.

2022-0392 in the Matter of Canteros and Zorrilla Architects P.C., Mario A Canteros R.A., 129 Elm Street, New Rochelle, NY 10805, for a variance concerning safety requirements, including ceiling height. Involved is a three family dwelling located at 32 Park Avenue, City of New Rochelle, NY 10805, County of Westchester, State of New York.

2022-0393 in the Matter of Michael A. Testa Jr., Michael A. Testa Jr., 1114 State Route 22, Pawling, NY 12564, for a variance concerning safety requirements, including ceiling height. Involved is a one-family dwelling located at Two Patriots Farm Court, Town of North Castle, NY 10504, 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.

2022-0395 in the Matter of Robin Prince Zahn Architecture, Robin Prince Zahn, 1780 Hunterbrook Rd., Yorktown Heights, NY 10598, for a variance concerning safety requirements, including pool fencing. Involved is a one family dwelling located at 63 Seven Bridges Road, Town of New Castle, NY 10514, County of Westchester, State of New York.

2022-0396 in the Matter of Scena Architecture, Lucas Andres Cascardo AIA, 25 Alpine Terrace, Pleasantville, NY 10570, for a variance concerning safety requirements, including stair width. Involved is a one family dwelling located at 139 Washington Avenue, Village of Pleasantville, NY 10570, County of Westchester, State of New York.

# EXECUTIVE ORDERS

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**Executive Order No. 4.10: Continuing the Declaration of a Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York.**

WHEREAS, there are staffing shortages in hospitals and other healthcare facilities and they are expected to continue;

WHEREAS, severe understaffing in hospitals and other healthcare facilities is expected to continue to affect the ability to provide critical care and to adequately serve vulnerable populations;

WHEREAS, there is an immediate and critical need to supplement staffing to assure healthcare facilities can provide care;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 4, as continued in Executive Order 4.9, and continue the terms, conditions, and suspensions contained in Executive Order 4 and its successors through July 29, 2022.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-ninth day of June in the year two thousand twenty-two.

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

*BY THE GOVERNOR*

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

*Secretary to the Governor*

**Executive Order No. 5.10: Continuing the Temporary Suspension and Modification of Laws Related to the Disaster Emergency in the Counties of the Bronx, Kings, New York, Richmond and Queens Due to Conditions at Rikers Island Correctional Center.**

WHEREAS, the Rikers Island Correctional Center has been facing a severe staffing shortage in recent months and this is expected to continue;

WHEREAS, the conditions in the facilities are expected to continue to create an unsafe, life-threatening environment for both the inmates and the staff;

WHEREAS, a federal monitor appointed to oversee the Correctional Center reported a “pervasive level of disorder and chaos,” in the facilities in its Eleventh Report of the *Nunez* Independent Monitor;

WHEREAS, there is a need to facilitate the use of virtual court appearances to expedite proceedings and to reallocate corrections department staff from transportation and production of defendants to housing supervision and safety;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 5, as continued by Executive Order 5.10 and do hereby continue the terms, conditions, and suspensions contained in Executive Order 5 and its successors until August 3, 2022.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this fourth day of July in the year two thousand twenty-two.



# COURT NOTICES

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## AMENDMENT OF RULE

### Uniform 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 Rule 15 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective immediately, to read as follows:

Rule 15. Adjournments of Conferences. *By leave of court as provided by Rule 1(d), attorneys are encouraged to use remote appearance technology in order to avoid adjournments of conferences.* Adjournments on consent are permitted with the approval of the court for good cause where notice of the request is given to all parties. Adjournment of a conference will not change any subsequent date in the preliminary conference order, unless otherwise directed by the court.

## AMENDMENT OF RULE

### Uniform 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 Rule 19 of section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division), effective immediately, to read as follows:

Rule 19. Orders to Show Cause. Motions shall be brought on by order to show cause only when there is genuine urgency (e.g., applications for provisional relief), a stay is required or a statute mandates so proceeding. [See Rule 20.] Absent advance permission, reply papers shall not be submitted on orders to show cause.





# CONCURRENT RESOLUTIONS

Pursuant to the provisions of Section One of Article Nineteen of the Constitution of the State of New York, notice is hereby given that the following proposed amendments to the Constitution of the State of New York are referred to the Legislature to be chosen at the next general election to be held on the eighth day of November 2022. New matter added is **bold** and underscored. **Bold** and ~~strikeout~~ matter in brackets is to be omitted.

## PROPOSED AMENDMENT NUMBER ONE

Senate 8803

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 4 of article 8 of the constitution, in relation to limitations on local indebtedness

Section 1. Resolved (if the Assembly concur), That section 4 of article 8 of the constitution be amended to read as follows:

§ 4. Except as otherwise provided in this constitution, no county, city, town ~~or~~ village ~~for school district~~ described in this section shall be allowed to contract indebtedness for any purpose or in any manner which, including existing indebtedness, shall exceed an amount equal to the following percentages of the average full valuation of taxable real estate of such country, city, town ~~or~~ village ~~for school district~~:

- (a) the county of Nassau, for county purposes, ten per centum;
- (b) any county, other than the county of Nassau, for county purposes, seven per centum;
- (c) the city of New York, for city purposes, ten per centum;
- (d) any city, other than the city of New York, having one hundred twenty-five thousand or more inhabitants according to the latest federal census, for city purposes, nine per centum;
- (e) any city having less than one hundred twenty-five thousand inhabitants according to the latest federal census, for city purposes, ~~excluding education purposes,~~ seven per centum;
- (f) any town, for town purposes, seven per centum; **and**
- (g) any village for village purposes, seven per centum ~~and~~
- (h) **any school district which is coterminous with or partly within or wholly within, a city having less than one hundred twenty-five thousand inhabitants according to the latest federal census, for education purposes, five per centum; provided, however, that such limitation may be increased in relation to indebtedness for specified objects or purposes with (1) the approving vote of sixty per centum or more of the duly qualified voters of such school district voting on a proposition therefor submitted at a general or special election, (2) the consent of The Regents of the University of the State of New York and (3) the consent of the state comptroller. The legislature shall prescribe by law the qualifications for voting at any such election**];

Except as otherwise provided in this constitution, any indebtedness contracted in excess of the respective limitations prescribed in this section shall be void.

~~In ascertaining the power of any city having less than one hundred twenty-five thousand inhabitants according to the latest~~

~~federal census to contract indebtedness, indebtedness heretofore contracted by such city for education purposes shall be excluded. Such indebtedness so excluded shall be included in ascertaining the power of a school district which is coterminous with, or partly within, or wholly within, such city to contract indebtedness. The legislature shall prescribe by law the manner by which the amount of such indebtedness shall be determined and allocated among such school districts. Such law may provide that such determinations and allocations shall be conclusive if made or approved by the state comptroller.~~

~~In ascertaining the power of a school district described in this section to contract indebtedness, certificates or other evidences of indebtedness described in paragraph A of section five of this article shall be excluded.]~~

The average full valuation of taxable real estate of any such county, city, town ~~or~~ village ~~for school district~~ shall be determined in the manner prescribed in section ten of this article.

Nothing contained in this section shall be deemed to restrict the powers granted to the legislature by other provisions of this constitution to further restrict the powers of any county, city, town ~~or~~ village ~~for school district~~ to contract indebtedness.

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be submitted to the people for approval at the general election to be held in the year 2023 in accordance with the provisions of the election law.

## PROPOSED AMENDMENT NUMBER TWO

Senate 8931

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 5 of article 8 of the constitution, in relation to the exclusion of indebtedness contracted for sewage facilities

Section 1. Resolved (if the Assembly concur), That paragraph E of section 5 of article 8 of the constitution be amended to read as follows:

E. Indebtedness contracted on or after January first, nineteen hundred sixty-two and prior to January first, two thousand ~~twenty-four~~ thirty-four, for the construction or reconstruction of facilities for the conveyance, treatment and disposal of sewage. The legislature shall prescribe the method by which and the terms and conditions under which the amount of any such indebtedness to be excluded shall be determined, and no such indebtedness shall be excluded except in accordance with such determination.

§ 2. Resolved (if the Assembly concur), That the foregoing amend-

ment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.

PROPOSED AMENDMENT  
NUMBER THREE

Extraordinary Session #2  
Senate 51002

CONCURRENT RESOLUTION OF THE SENATE AND  
ASSEMBLY

proposing an amendment to section 11 of article 1 of the constitution, in relation to equal protection

Section 1. Resolved (if the Assembly concur), That section 11 of article 1 of the constitution be amended to read as follows:

§ 11. **a.** No person shall be denied the equal protection of the laws of this state or any subdivision thereof. No person shall, because of race, color, **ethnicity, national origin, age, disability**, creed ~~for~~, religion, **or sex, including sexual orientation, gender identity, gender expression, pregnancy, pregnancy outcomes, and reproductive healthcare and autonomy**, be subjected to any discrimination in ~~his or her~~ **their** civil rights by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision of the state, **pursuant to law**.

**b. Nothing in this section shall invalidate or prevent the adoption of any law, regulation, program, or practice that is designed to prevent or dismantle discrimination on the basis of a characteristic listed in this section, nor shall any characteristic listed in this section be interpreted to interfere with, limit, or deny the civil rights of any person based upon any other characteristic identified in this section.**

§ 2. Resolved (if the Assembly concur), That the foregoing amendment be referred to the first regular legislative session convening after the next succeeding general election of members of the assembly, and, in conformity with section 1 of article 19 of the constitution, be published for 3 months previous to the time of such election.