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NEW YORK STATE  
**REGISTER**

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***INSIDE THIS ISSUE:***

- Sanitary Condition of Shellfish Lands
- Charges for Professional Health Services
- New York Health and Essential Rights Act (NY HERO Act)

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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 December 11, 2022
- the 45-day period expires on November 26, 2022
- the 30-day period expires on November 11, 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

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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## Department of Civil Service

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

#### Jurisdictional Classification

**I.D. No.** CVS-41-22-00003-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Health under the subheading “Helen Hayes Hospital,” by adding thereto the position of Public Information Specialist 2 (Digital Content) (1).

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

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

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

#### Regulatory Impact Statement

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

#### Regulatory Flexibility Analysis

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

#### Rural Area Flexibility Analysis

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

#### Job Impact Statement

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

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

#### Jurisdictional Classification

**I.D. No.** CVS-41-22-00004-P

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

**Proposed Action:** Amendment of Appendix 1 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 exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading “Office of General Services,” by deleting therefrom the position of Special Counsel, by decreasing the number of positions of Assistant Deputy Director Business Services Center from 3 to 2, and by increasing the number of positions of Associate Commissioner from 2 to 3 and Special Assistant from 22 to 23.

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

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

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

#### Regulatory Impact Statement

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

#### Regulatory Flexibility Analysis

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

#### Rural Area Flexibility Analysis

A rural area flexibility analysis is not submitted with this notice because this rule is subject to a consolidated rural area flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-41-22-00005-P

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

**Proposed Action:** Amendment of Appendix 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 of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Education Department, by increasing the number of positions of Special Assistant from 7 to 9.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-41-22-00006-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision, by deleting therefrom the

positions of øSenior Parole Officer (Special Services) (4) and by increasing the number of positions of øDeputy Superintendent of Correctional Mental Health Care Facility from 3 to 4.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-41-22-00007-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Audit and Control, by increasing the number of positions of Assistant Counsel from 18 to 19 and Special Investment Officer from 92 to 103.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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



**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-41-22-00008-P

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

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

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

**Subject:** Jurisdictional Classification.

**Purpose:** To delete a subheading and positions from and to add a subheading and classify positions in the exempt class.

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of State by deleting therefrom the subheading "Joint Commission on Public Ethics and the positions of Administrative Assistant (7), Administrative Officer, Associate Counsel (6), Compliance Auditor (JCOPE) (9), Counsel, Deputy Counsel (4), Director Public Information, Executive Director, Filings Examiner (JCOPE) (17), Hearing Examiner, Investigative Assistant, Investigator 1 (4), Manager of Training, Program Manager (3), Special Assistant and Training Associate (3); and in the Department of State by adding thereto the subheading "Commission on Ethics and Lobbying in Government," and the positions of Administrative Assistant (7), Administrative Officer, Associate Counsel (6), Compliance Auditor (9), Counsel, Deputy Counsel (4), Director Public Information, Executive Director, Filings Examiner (17), Hearing Examiner, Investigative Assistant, Investigator 1 (4), Manager of Training, Program Manager (3), Special Assistant and Training Associate (3).

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-41-22-00009-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the State University of New York under the subheading "State University Colleges," by increasing the number of positions of Administrative Assistant 2 at SUC at Utica/Rome from 2 to 3.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-41-22-00010-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Corrections and Community Supervision under the subheading "State Board of Parole," by increasing the number of positions of Assistant Counsel from 5 to 8.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis is not submitted with this notice because this rule is subject to a consolidated regulatory flexibility analysis that was

previously printed under a notice of proposed rule making, I.D. No. CVS-01-22-00025-P, Issue of January 5, 2022.

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

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

#### **Job Impact Statement**

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

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-41-22-00011-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Mental Hygiene under the subheading "Office for People with Developmental Disabilities," by increasing the number of positions of Special Assistant from 9 to 10.

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

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

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

#### **Regulatory Impact Statement**

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

#### **Regulatory Flexibility Analysis**

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

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

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

#### **Job Impact Statement**

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

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-41-22-00012-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Parks, Recreation and Historic Preservation," by increasing the number of positions of Assistant Public Information Officer from 2 to 3; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Parks, Recreation and Historic Preservation," by increasing the number of positions of Administrative Assistant 2 from 5 to 6 and by adding thereto the positions of Park Ranger 2.

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

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

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

#### **Regulatory Impact Statement**

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

#### **Regulatory Flexibility Analysis**

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

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

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

#### **Job Impact Statement**

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

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

#### **Jurisdictional Classification**

**I.D. No.** CVS-41-22-00013-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Transportation, by increasing the number of positions of Special Assistant from 18 to 24; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Transportation, by adding thereto the positions of Public Information Specialist 1 (Digital Content) (2), Public Information Specialist 2 (Digital Content) (2) and Public Information Specialist 3 (Digital Content) (1).

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-41-22-00014-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Division of Alcoholic Beverage Control," by increasing the number of positions of Special Assistant from 2 to 4.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

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

**Jurisdictional Classification**

**I.D. No.** CVS-41-22-00015-P

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

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

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

**Subject:** Jurisdictional Classification.

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

**Text of proposed rule:** Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office of Indigent Legal Services," by adding thereto the positions of Program Associate and Research Associate, and by increasing the number of positions of Special Assistant from 17 to 19.

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

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

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

**Regulatory Impact Statement**

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

**Regulatory Flexibility Analysis**

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

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

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

**Department of Environmental  
Conservation**

**EMERGENCY  
RULE MAKING**

**Sanitary Condition of Shellfish Lands**

**I.D. No.** ENV-28-22-00010-E

**Filing No.** 801

**Filing Date:** 2022-09-23

**Effective Date:** 2022-09-23

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

**Action taken:** Amendment of Part 41 of Title 6 NYCRR.

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

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

**Specific reasons underlying the finding of necessity:** The promulgation

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

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

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

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

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

**Subject:** Sanitary Condition of Shellfish Lands.

**Purpose:** To reclassify underwater shellfish lands to protect public health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Great South Bay - 233 acres of Great South Bay adjacent to Fire Island near Saltaire, Fair Harbor, Dunewood, Lonelyville, Atlantique, Ocean Beach, Seaview, Ocean Bay Park, and Point O' Woods will be downgraded

from year-round certified to seasonally uncertified May 1 through October 31.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**This notice is intended** to serve 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. ENV-28-22-00010-EP, Issue of July 13, 2022. The emergency rule will expire November 21, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Kevin Ryan, Department of Environmental Conservation, 123 Kings Park Boulevard, Kings Park, New York 11754, (631) 444-0461, email: Kevin.Ryan@dec.ny.gov

**Additional matter required by statute:** The Department has determined that the Notice of Emergency Adoption is a Type II action and no further review is required pursuant to article 8 of the ECL, the State Environmental Quality Review Act.

**Regulatory Impact Statement****1. Statutory authority:**

Environmental Conservation Law (ECL) § 11-0303 authorizes the New York State Department of Environmental Conservation (Department) to regulate the fish and wildlife of New York State. ECL § 13-0307 requires the Department to periodically conduct examinations of all shellfish lands within the marine district to ascertain the sanitary condition of these areas. The Department collects data to determine which shellfish lands are in such sanitary condition that shellfish may be taken for food. Such lands are designated as certified shellfish lands. All other shellfish lands are designated as uncertified. ECL § 13-0319 grants the Department the authority to promulgate regulations concerning the harvest of shellfish.

**2. Legislative objectives:**

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

**3. Needs and benefits:**

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

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

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

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

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

**4. Costs:**

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

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

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

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

**5. Local government mandates:**

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

**6. Paperwork:**

None.

**7. Duplication:**

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

**8. Alternatives:**

There are no acceptable alternatives. ECL § 13-0307 mandates that when the Department has determined that a shellfish land meets the sanitary criteria for certified shellfish lands, the Department must designate the land as certified and open to shellfish harvesting. All other shellfish lands must be designated as uncertified and closed to shellfish harvesting. These actions are necessary to protect public health. Furthermore, failure to comply with the National Shellfish Sanitation Program (NSSP) guidelines could result in a ban on New York State shellfish in interstate commerce and would cause unnecessary economic hardship to the commercial harvesting industry.

**9. Federal standards:**

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

**10. Compliance schedule:**

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

**Regulatory Flexibility Analysis****1. Effect of rule:**

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

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

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

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

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

enforcement that they currently perform; therefore, the Department expects that there will be no effect on local governments.

2. Compliance requirements:

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

3. Professional services:

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

4. Compliance costs:

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

5. Economic and technological feasibility:

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

6. Minimizing adverse impact:

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

7. Small business and local government participation:

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

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

None.

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

The rule will be reviewed in three years.

**Rural Area Flexibility Analysis**

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

**Job Impact Statement**

1. Nature of impact:

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

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

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

2. Categories and numbers affected:

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

In 2021, there were 1,382 licensed shellfish diggers in New York State. The numbers of permits issued for areas in the State for 2021 are as follows: Town of Babylon, 40; Town of Brookhaven, 253; Town of East Hampton, 206; Town of Hempstead, 105; Town of Huntington, 100; Town of Islip, 106; Town of North Hempstead, 5; Town of Oyster Bay, 75; Town of Riverhead, 55; Town of Shelter Island, 32; Town of Smithtown, 27; Town of Southampton, 146; Town of Southold, 182; New York City, 30; and Other, 20. The Department's records do not differentiate between fulltime and parttime commercial or recreational shellfish harvesters.

3. Regions of adverse impact:

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

4. Minimizing adverse impact:

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

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

5. Self-employment opportunities:

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

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

The rule will be reviewed in three years.

**Assessment of Public Comment**

The agency received no public comment.

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## Department of Financial Services

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### EMERGENCY RULE MAKING

**Indices Which May be Used for Variable Rate Loans Subject to the Requirements of Parts 33, 80, 90, 91 and 97 of Title 3 NYCRR**

**I.D. No.** DFS-41-22-00001-E

**Filing No.** 753

**Filing Date:** 2022-09-21

**Effective Date:** 2022-09-21

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

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

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

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

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

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

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

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

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

**Subject:** Indices which may be used for variable rate loans subject to the requirements of Parts 33, 80, 90, 91 and 97 of Title 3 NYCRR.

**Purpose:** The amendments to Parts 333 and 334 approve the use of the Secured Overnight Financing Rate (“SOFR”) as a benchmark for certain variable interest rate loans. The London Inter-Bank Offered Rate (“LIBOR”) index is being phased out. SOFR is expected to be the main alternative benchmark used by financial institutions in the United States. SOFR has also been approved by federal banking regulators as an alternative to LIBOR.

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

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

Section 334.1 is amended to read as follows:

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

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

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

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire December 19, 2022.

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

#### **Regulatory Impact Statement**

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

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

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

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

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

2. Legislative Objectives: By requiring the Department to approve benchmark indices that may be used to set rates for certain variable interest rate loans, the Legislature intended to protect consumers against potential abuse by ensuring that only rates that are not subject to manipulation are used. This is evident, for example, in the language of Section 590-a(3) of the Banking Law, which specifies that approved indices must be “(a) readily available, (b) independently verifiable, (c) beyond the control of the licensee, and (d) approved by the superintendent.”

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

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

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

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

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

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

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

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

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

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

The Consumer Finance Protection Bureau (“CFPB”) has amended its Regulation Z to facilitate the transition away from LIBOR. CFPB will allow its regulated institutions to use SOFR benchmarks. Amendments to Regulation Z concerning LIBOR and SFOR will be phased in over a 2 year period. See [https://files.consumerfinance.gov/f/documents/cfpb\\_facilitating-libor-transition\\_final-rule\\_2021-12.pdf](https://files.consumerfinance.gov/f/documents/cfpb_facilitating-libor-transition_final-rule_2021-12.pdf).

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

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

#### **Regulatory Flexibility Analysis**

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

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

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

#### **Job Impact Statement**

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

## **EMERGENCY RULE MAKING**

### **Charges for Professional Health Services**

**I.D. No.** DFS-41-22-00017-E

**Filing No.** 802

**Filing Date:** 2022-09-27

**Effective Date:** 2022-09-27

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

**Action taken:** Amendment of Part 68 of Title 11 NYCRR.

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

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

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

The adoption of a prior authorization process in the DME fee schedule for certain DME would not apply to reimbursement for DME in the no-fault insurance system; therefore, no set prices for DME would be established for use in no-fault. The absence of a cost control measure in place for DME used in the no-fault system would result in the unwarranted depletion of patients’ \$50,000 no-fault insurance benefits as a result of exorbitant prices for the purchase of DME for which no price is set in the workers’ compensation DME fee schedule, and unlimited rental charges that could far exceed the purchase price of the DME.

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

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

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

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

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

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

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

*Part E. Durable medical equipment fee schedule.*

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

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

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

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

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



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

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire December 25, 2022.

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

#### **Regulatory Impact Statement**

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

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

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

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

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

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

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

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

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

This amendment also provides that the workers' compensation requirement that all DME be supplied by Medicaid-enrolled DME providers does

not apply to no-fault insurance. Insurance Law Article 51 does not require that a provider of health services rendered to a no-fault patient be authorized by the Department to render such services, nor does the Insurance Law impose any additional licensing or registration requirements on such providers.

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

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

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

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

8. Alternatives: For DME not listed in the Chair's DME fee schedule and for DME that does not have a reimbursement amount in the Chair's DME fee schedule, the Department considered permitting reimbursement at the prevailing rate in the geographic location of the provider for the purpose of no-fault, but determined that doing so would result in significantly inflated charges for DME or limitless rental charges for DME that could far exceed the purchase price, resulting in the rapid depletion of patients' \$50,000 no-fault insurance benefits and a significant increase in litigation over reimbursement rates for DME.

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

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

#### **Regulatory Flexibility Analysis**

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

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

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

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

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

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

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

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

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

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

Insurers, self-insurers, including self-insured local governments, and health service providers affected by this amendment should not need to retain professional services to comply with this amendment. This amend-

ment only establishes the maximum reimbursement allowed, for purposes of no-fault insurance, for the purchase and total accumulated rental of durable medical equipment ("DME") not listed in the Official New York Workers' Compensation DME Fee Schedule ("Fee Schedule") and for DME listed in the Fee Schedule for which no fee has been assigned.

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

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

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

#### **Job Impact Statement**

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

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

#### **Charges for Professional Health Services**

**I.D. No.** DFS-41-22-00021-P

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

**Proposed Action:** Amendment of Part 68 of Title 11 NYCRR.

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

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

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

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

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

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

*Part E. Durable medical equipment fee schedule.*

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

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

(c) *The maximum permissible monthly rental charge for such durable medical equipment shall be one-tenth of the acquisition cost to the provider. Rental charges for less than one month shall be calculated on a pro-rata basis using a 30-day month.*

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

- (1) *acquisition cost plus 50%; or*
- (2) *usual and customary price charged by durable medical equipment providers to the general public.*

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

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

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

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

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

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

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

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

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

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

Insurance Regulation 83 is also being amended to establish a limit on the monthly rental charge for DME to one-tenth of the acquisition cost to

the provider. The New York State Medicaid fee schedule also contains a similar limitation on the monthly rental charge for DME. These amendments are necessary to minimize unscrupulous DME providers' ability to inflate the purchase charge or rental charge for DME, which would result in the unwarranted depletion of patients' \$50,000 no-fault insurance benefits. Additionally, without a limitation on the monthly rental charge for DME, providers could potentially charge up to the maximum purchase charge for a one-time rental.

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

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

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

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

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

8. **Alternatives:** For DME not listed in the Chair's DME fee schedule and for DME that does not have a reimbursement amount in the Chair's DME fee schedule, the Department considered permitting reimbursement at the prevailing rate in the geographic location of the provider for the purpose of no-fault, but determined that doing so would result in significantly inflated charges for DME or limitless rental charges for DME that could far exceed the purchase price, resulting in the rapid depletion of patients' \$50,000 no-fault insurance benefits and a significant increase in litigation over reimbursement rates for DME.

The Department considered not limiting the monthly rental charge for DME. However, based on comments received during the pre-proposed outreach process, the Department decided to amend the regulation to limit the monthly rental charge as described in the "Needs and benefits" section above.

The Department also considered increasing the maximum reimbursement to 20% above the New Jersey fee schedule to reflect the cost of living in New York State and reducing the maximum reimbursement to a percentage less than 150% of acquisition cost. However, the Department believes that 150% of a DME provider's acquisition cost is an equitable rate that takes into consideration increased costs for DME from wholesalers, and that this methodology also is consistent with New York State Medicaid reimbursement for DME.

The Department further considered defining the phrase "usual and customary charge." However, nothing in the Insurance Law or regulations promulgated thereunder defines "usual and customary", and the Department is unable to define such a term since it is dependent on many factors not universally applicable to all providers and is linked to geographical location of suppliers and wholesalers.

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

10. **Compliance schedule:** This amendment shall take effect upon publication of the Notice of Adoption in the State Register.

#### **Regulatory Flexibility Analysis**

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

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

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

4. **Compliance costs:** This amendment does not impose any additional compliance costs on affected persons that may be small businesses or local governments because this amendment only establishes the maximum

reimbursement allowed in the no-fault system for the purchase and total accumulated rental of durable medical equipment ("DME"), as well as the maximum monthly rental charge for DME not listed in the Official New York Workers' Compensation DME Fee Schedule ("Fee Schedule) and for DME listed in the Fee Schedule for which no fee has been assigned.

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

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

7. **Small business and local government participation:** The Department had posted a draft of the amendment on its website on April 4, 2022 for pre-proposed outreach and notified interested parties, including small businesses, of the posting. Interested parties, including small businesses and local governments, will be given an opportunity to further review and comment on the amendment once it is published in the State Register and posted on the Department's website again.

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

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

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

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

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

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

5. **Rural area participation:** The Department of Financial Services ("Department") had posted a draft of the amendment on its website on April 4, 2022, prior to proposing it, for pre-proposal comment by interested parties and the public, including those located in rural areas. Interested parties, including those located in rural areas, will be given an opportunity to further review and comment on the amendment once it is published in the State Register and posted on the Department's website again.

#### **Job Impact Statement**

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

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## Department of Health

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### ERRATUM

A Notice of Proposed Rule Making, regarding Early Intervention Program, ID No. HLT-39-22-00020-P, published in the September 28, 2022, issue of the *State Register* inaccurately indicated that public comment will be accepted until 5 days after the last scheduled public hearing. Public comment for this proposed rule, however, will be accepted for 60 days after (the September 28th) publication of the Notice.

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

**Licensure and Practice of Nursing Home Administration**

**I.D. No.** HLT-41-22-00016-P

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

**Proposed Action:** Amendment of Part 96 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2896-b

**Subject:** Licensure and Practice of Nursing Home Administration.

**Purpose:** To clarify and update the nursing home administrator licensure program.

**Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>):** All changes have been presented and approved by the Board of Examiners of Nursing Home Administration (BENHA) and are recommended by the advisory council established pursuant to Section 2896-a(8) of the Public Health Law, representing both health professionals and the public. The requested changes clarify and update the nursing home administrator licensure program. The most significant change proposed is to change the examination trial period to make New York State consistent with most other states, thereby increasing the pool of eligible nursing home administrators in New York State. Candidates will be able to attempt the Nursing Home Administrator examination up to four times in an annual period, instead of three attempts in a five-year period. The remaining changes clarify existing requirements.

The revisions include:

- Section 96.1, subdivision (d), is amended to capitalize the word “department” when referring to the Department of Health.
- Section 96.1, subdivision (m), is amended to change “unlawful discrimination” to simply “discrimination”.
- Section 96.2, subdivisions (a) and (b), are amended by capitalizing the word “board” when referring to the Board of Examiners of Nursing Home Administrators.
- Section 96.3, subdivisions (d) and (e), are amended by capitalizing the word “board” when referring to the Board of Examiners of Nursing Home Administrators.
- Section 96.4, subdivision (b), is amended to the revise language to change the registration process from the board’s responsibility to the Department’s responsibility by replacing “board” with “Department”. Grammar was updated from “issuing of a license” to “issuance of a license”. “Commissioner” was replaced with “Department”, to be consistent with other sections of the regulation.
- Section 96.4, subdivisions (c), (d) and (e), are amended. The language “biennial registration card” is not commonly used and has been replaced with “certificate of registration.” The word “department” was capitalized when referring to the Department of Health.
- Section 96.5, subdivision (a), is amended to change “established by the Board” to be “determined by the Department”.
- Section 96.5, subdivision (c), is amended to change the exam trial eligibility period from three times in five years to four times within twelve months. This change will make our requirement consistent with other state requirements to allow for more eligible candidates. This will help the State retain candidates.
- Section 96.7, subdivision (c) (4), is amended by capitalizing the word “board” when referring to the Board of Examiners of Nursing Home Administrators.
- Section 96.8, subdivision (a)(3), is amended to require that the educational requirement to take a course in “legal issues in health care” be at the course level equivalent to 300 or higher. This is consistent with the current program policy.
- Section 96.8, subdivision (a)(5)(i), is amended to remove the requirement that a training site have at least 80 beds. This will allow nursing homes that are also providers with multiple levels of care, such as independent living communities and assisted living beds, to qualify as training sites.
- Section 96.9 is amended to exclude the word “registration” from the title as it is not applicable to this section.
- Section 96.9, subdivision (e), is amended to delete the language that courses approved in this manner shall be added to the listing of approved courses. This requirement is not administratively feasible to have an up to date listing of all colleges and universities.
- The title of Section 96.11 has been renamed to replace “Continuation on education requirements” with “Continuing education requirements”.
- Section 96.11 has been amended by adding new subdivisions (c), (d) and (e) to clarify the continuing education requirements for late filers

and/or inactive filers. This added language requires a proportionate adjustment in the clock hours in the event that a licensee fails or neglects to renew their registration and the requirement to pay a late fee. The new language also clarifies that the continuing education requirement shall be applicable to registration renewal and license reactivation only.

- Section 96.12, subdivision (c)(4), is amended to be consistent with the changes in section 96.5 by allowing the four exam attempts in any twelve-month period, instead of three attempts in five years.

- Section 96.13 is amended to include language that nursing home administrators must notify the Board of changes in email address or phone number, in addition to home address and place of employment.

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

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

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

**Regulatory Impact Statement**

**Statutory Authority:**

Section 2896-b of the Public Health Law and Part 96 of Title 10 (Health) of the Official Compilation of Codes; authorizes the Department to enact regulations. The Board of Examiners of Nursing Home Administrators (BENHA) issues licenses to applicants who meet specific qualifications and pass a nursing home administrator licensing examination.

**Legislative Objectives:**

The proposed rule accords with the legislative objectives to protect and promote the health and rights of all nursing home residents by ensuring that nursing home administrators can demonstrate the skills and abilities essential to competent practice of the profession. All changes have been presented and approved by the Board of Examiners of Nursing Home Administration (BENHA) and are recommended by the advisory council established pursuant to Section 2896-a(8) of the Public Health Law, representing both health professionals and the public.

**Needs and Benefits:**

The requested changes clarify and update the nursing home administrator licensure program. The most significant change proposed is to change the examination trial period to make New York State consistent with most other states, thereby increasing the pool of eligible nursing home administrators in New York State. Candidates will be able to attempt the Nursing Home Administrator examination up to four times in an annual period, instead of three attempts in a five-year period. The remaining changes clarify existing requirements. The revisions include:

- Section 96.1, subdivision (d), is amended to capitalize the word “department” when referring to the Department of Health.
- Section 96.1, subdivision (m), is amended to change “unlawful discrimination” to simply “discrimination”.
- Section 96.2, subdivisions (a) and (b), are amended by capitalizing the word “board” when referring to the Board of Examiners of Nursing Home Administrators.
- Section 96.3, subdivisions (d) and (e), are amended by capitalizing the word “board” when referring to the Board of Examiners of Nursing Home Administrators.
- Section 96.4, subdivision (b), is amended to the revise language to change the registration process from the board’s responsibility to the Department’s responsibility by replacing “board” with “Department”. Grammar was updated from “issuing of a license” to “issuance of a license”. “Commissioner” was replaced with “Department”, to be consistent with other sections of the regulation.
- Section 96.4, subdivisions (c), (d) and (e), are amended. The language “biennial registration card” is not commonly used and has been replaced with “certificate of registration.” The word “department” was capitalized when referring to the Department of Health.
- Section 96.5, subdivision (a), is amended to change “established by the Board” to be “determined by the Department”.
- Section 96.5, subdivision (c), is amended to change the exam trial eligibility period from three times in five years to four times within twelve months. This change will make our requirement consistent with other state requirements to allow for more eligible candidates. This will help the State retain candidates.
- Section 96.7, subdivision (c) (4), is amended by capitalizing the word “board” when referring to the Board of Examiners of Nursing Home Administrators.
- Section 96.8, subdivision (a)(3) is amended to require that the educational requirement to take a course in “legal issues in health care” be at the course level equivalent to 300 or higher. This is consistent with the current program policy.
- Section 96.8, subdivision (a)(5)(i), is amended to remove the requirement that a training site have at least 80 beds. This will allow nursing

homes that are also providers with multiple levels of care, such as independent living communities and assisted living beds, to qualify as training sites.

- Section 96.9 is amended to exclude the word “registration” from the title as it is not applicable to this section.
- Section 96.9, subdivision (e), is amended to delete the language that courses approved in this manner shall be added to the listing of approved courses. This requirement is not administratively feasible to have an up to date listing of all colleges and universities.
- The title of Section 96.11 has been renamed to replace “Continuation on education requirements” with “Continuing education requirements”.
- Section 96.11 has been amended by adding new subdivisions (c), (d) and (e) to clarify the continuing education requirements for late filers and/or inactive filers. This added language requires a proportionate adjustment in the clock hours in the event that a licensee fails or neglects to renew their registration and the requirement to pay a late fee. The new language also clarifies that the continuing education requirement shall be applicable to registration renewal and license reactivation only.
- Section 96.12, subdivision (c)(4), is amended to be consistent with the changes in section 96.5 by allowing the four exam attempts in any twelve-month period, instead of three attempts in five years.
- Section 96.13 is amended to include language that nursing home administrators must notify the Board of changes in email address or phone number, in addition to home address and place of employment.

#### Costs:

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

There will be little to no additional cost to the regulated entities for the implementation of or continuing compliance with the regulation.

#### Costs to State and Local Governments:

There will be no costs to the State or local governments.

#### Costs to the Department of Health:

There will be no costs to the Department of Health.

#### Local Government Mandates:

There will be no duty or responsibility imposed on local governments as the result of this rule.

#### Paperwork:

The Department will be required to order new applications and update forms. The Department can implement this regulation using existing resources.

#### Duplication:

This rule does not duplicate, overlap, or conflict with any other legal requirements of the State or federal government.

#### Alternatives:

The alternative of not promulgating this regulation was considered, but the Board decided that revising the current regulations was the only method to keep New York’s polices current and comparable to other States and their nursing home administration policies.

#### Federal Standards:

The proposed rule aligns with federal regulations and does not overlap or conflict with any legal requirements.

#### Compliance Schedule:

The rule will take effect immediately following publication of a Notice of Adoption in the State Register.

#### Regulatory Flexibility Analysis

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

#### Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments will not impose any adverse impact or significant reporting, recordkeeping 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 because of the proposed amendments.

#### Job Impact Statement

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

## Department of Labor

### EMERGENCY RULE MAKING

#### New York Health and Essential Rights Act (NY HERO Act)

**I.D. No.** LAB-34-21-00002-E

**Filing No.** 803

**Filing Date:** 2022-09-27

**Effective Date:** 2022-09-27

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

**Action taken:** Addition of section 840.1 to Title 12 NYCRR.

**Statutory authority:** State Administrative Procedure Act, section 202(6); Labor Law, sections 218-b and 21(11)

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

**Specific reasons underlying the finding of necessity:** This emergency regulation is necessary to implement the NY HERO Act and put necessary preparatory protections in place in the event of the NY Health Commissioner designation of an airborne infectious disease as a highly contagious communicable disease that presents a serious risk of harm to the public health. The Legislature, in adopting the HERO Act, required that the Department of Labor publish this standard, and that employers adopt plans that comply with the requirements found therein. To effectuate this legislative purpose, and to provide the protections of the HERO Act, this emergency re-adoption is necessary to keep these important rules in effect and is necessary to public health, safety, and the general welfare, and provides protections to the employees in New York State and avoid future loss of life.

**Subject:** New York Health and Essential Rights Act (NY HERO Act).

**Purpose:** Airborne Infectious Disease Exposure Prevention Standard.

**Substance of emergency rule (Full text is posted at the following State website: [https://dol.ny.gov/HERO\\_Act\\_Regs](https://dol.ny.gov/HERO_Act_Regs)):** The rule creates a new section of regulations designated as 12 NYCRR 840.1 entitled “Airborne Infectious Disease Exposure Prevention Standard.” This section is summarized as follows:

- Section 840.1(a), “General Provisions,” sets forth the general provisions including applicability of the regulation and definitions.
- Section 840.1(b), “Exposure Prevention Plan,” sets forth the requirements for an employer adopted Exposure Prevention Plan to eliminate or minimize employee exposure to airborne infectious disease agents designated by the Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health.
- Section 840.1(c), “Exposure Controls,” sets forth requirements for employers to select and obtain exposure controls appropriate for the exposure risks and requires that such controls be included in the employer’s Exposure Prevention Plan.
- Section 840.1(d), “Anti-Retaliation,” prohibits employers from retaliating against employees for exercising their rights under this regulation or an employer’s Exposure Prevention Plan.

**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. LAB-34-21-00002-RP, Issue of August 17, 2022. The emergency rule will expire October 19, 2022.

**Text of rule and any required statements and analyses may be obtained from:** Peter M. Parry, Department of Labor, Building 12, State Office Campus, Room 509, Albany, NY 12240, (518) 485-2191, email: regulations@labor.ny.gov

#### Regulatory Impact Statement

Statutory Authority: State Administrative Procedure Act (SAPA) § 202(6); Labor Law §§ 218-b, and 21(11).

Legislative Objectives: On May 5, 2021, Governor Andrew Cuomo signed the New York Health and Essential Rights Act (NY HERO Act) into law. The purpose of Section 1 of the NY HERO Act is to protect employees against exposure and disease during a future airborne infectious disease outbreak. The law mandates extensive new workplace health and safety protections in response to the COVID-19 pandemic, including the requirement that all private industry employers adopt an airborne infectious disease prevention plan, and to put such plans into effect when an

airborne infectious disease is designated by the New York State Commissioner of Health as a highly contagious communicable disease that presents a serious risk of harm to the public health. The Act further directs the Department of Labor to develop, with the consultation of the Department of Health, a model standard for the prevention of airborne infectious diseases.

**Needs and Benefits:** This regulation is required by the NY HERO Act, and is both necessary and required for the implementation of that law. This regulation sets forth standards governing airborne infectious disease prevention plans, which employers are required to adopt. In addition to this regulation, in consultation with the NYS Department of Health, the Department developed a new Model Airborne Infectious Disease Exposure Prevention Plan (template), and various industry-specific model plans (templates) for the prevention of airborne infectious disease. Employers can choose to adopt the applicable policy template/plan provided by NYS DOL or establish an alternative plan that meets or exceeds the standard's minimum requirements. Templates which meet the requirements of the standard/regulation were posted on the Department's website contemporaneously to the publication of the standard on July 6, 2021. While employers that choose to develop and adopt their own plan must closely review the Hero Act and the standard/regulation to ensure compliance with its requirements, employers may comply with these requirements through the adoption of a plan using a template developed by the Department of Labor.

**Costs:** While it is anticipated that employers may incur costs as a result of the requirements of the NY HERO Act, the present rulemaking does not impose any additional or further costs on the regulated community than those imposed by the HERO Act itself. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

**Local Government Mandates:** This regulation does not apply to governmental entities.

**Paperwork:** This regulation is necessary to implement the NY HERO Act and does not impose any specific recordkeeping, reporting or other paperwork requirements beyond those inherent in the statute.

**Duplication:** This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements, and specifically exempts employment covered by a temporary or permanent standard adopted by the Occupational Safety and Health Administration setting forth applicable standards regarding COVID-19 and/or airborne infectious agents and diseases.

**Alternatives:** There were no significant alternatives considered.

**Federal Standards:** This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements, and specifically exempts employment covered by a temporary or permanent standard adopted by the Occupational Safety and Health Administration setting forth applicable standards regarding COVID-19 and/or airborne infectious agents and diseases.

**Compliance Schedule:** This emergency rulemaking shall become effective upon the date specified within the filing with the Department of State, and the rulemaking will be effective upon the publication of a notice of adoption in the State Register.

#### **Regulatory Flexibility Analysis**

**Effect of Rule:** The purpose and intent of this regulation is to implement Section 1 of the NY Hero Act through the adoption an Airborne Infectious Disease Prevention Standard.

**Compliance Requirements:** This regulation does not impose any requirements in addition to those imposed by the NY HERO Act, which requires employers to adopt an airborne infectious disease prevention plan. The regulation does not apply to governmental entities.

**Professional Services:** No professional services are required to effectuate the purposes of this regulation.

**Compliance Costs:** While it is anticipated that employers may incur costs as a result of the requirements of the NY HERO Act, the present rulemaking does not impose any additional or further costs on the regulated community than those imposed by the HERO Act itself. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

**Economic and Technological Feasibility:** The regulation does not require any use of technology to comply.

**Minimizing Adverse Impact:** The Department does not anticipate that this regulation will adversely impact small businesses or local

governments. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

**Small Business and Local Government Participation:** The Department has met with various stakeholders, including those representing small businesses, and has sought feedback to the regulation from stakeholders both on its website and through this rulemaking's comment period.

**Initial review of the rule pursuant to SAPA § 207:** Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

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

**Types and estimated numbers of rural areas:** The Department anticipates that this regulation will have a positive or neutral impact upon all areas of the state; there is no adverse impact anticipated upon any rural area of the state resulting from adoption of this regulation.

**Reporting, recordkeeping and other compliance requirements:** The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

**Professional services:** No professional services will be required to comply with this regulation.

**Costs:** While it is anticipated that employers may incur costs as a result of the requirements of the NY HERO Act, the present rulemaking does not impose any additional or further costs on the regulated community than those imposed by the HERO Act itself. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

**Minimizing adverse impact:** The Department does not anticipate that this regulation will adversely impact small businesses or local governments. The Department, in taking action in the manner described above, is affording employers the ability to comply through the adoption of a template published by the Department thereby minimizing or eliminating such costs. The Department estimates that there will be no significant costs to the regulated community as a direct result of this regulation, to the Department of Labor, or to state and local governments to implement this regulation.

**Rural area participation:** The Department does not anticipate that the regulation will have an adverse economic impact upon rural areas nor will it impose new reporting, recordkeeping, or other compliance requirements.

#### **Job Impact Statement**

**Nature of Impact:** The Department of Labor (hereinafter "Department") projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this regulation.

**Categories and numbers affected:** The Department does not anticipate that this regulation will have an adverse impact on jobs or employment opportunities in any category of employment.

**Regions of adverse impact:** The Department does not anticipate that this regulation will have an adverse impact upon jobs or employment opportunities statewide or in any particular region of the state.

**Minimizing adverse impact:** Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this regulation, no measures to minimize any unnecessary adverse impact on existing jobs or to promote the development of new employment opportunities are required.

**Self-employment opportunities:** The Department does not foresee a measurable impact upon opportunities for self-employment resulting from adoption of this regulation.

**Initial review of the rule pursuant to SAPA § 207:** Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

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

The agency received no public comment.

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

**Minimum Wage Increase**

I.D. No. LAB-41-22-00022-P

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

**Proposed Action:** Amendment of Part 190 of Title 12 NYCRR.

**Statutory authority:** Labor Law, sections 21(11), 652, 656 and 673

**Subject:** Minimum Wage Increase.

**Purpose:** To comply with sections 652 and 673 of the Labor Law, by adopting minimum wage increases for farmworkers.

**Text of proposed rule:** Section 190-1.3(d)(3) of 12 NYCRR is amended to read as follows:

(3) Remainder of state (outside of New York City and Nassau, Suffolk and Westchester counties)

\$9.70 per hour on and after December 31, 2016;  
\$10.40 per hour on and after December 31, 2017;  
\$11.10 per hour on and after December 31, 2018;  
\$11.80 per hour on and after December 31, 2019;  
\$12.50 per hour on and after December 31, 2020;  
\$13.20 per hour on and after December 31, 2021;  
\$14.20 per hour on and after December 31, 2022.

Section 190-2.1(c) of 12 NYCRR is amended to read as follows:

(c) Remainder of state (outside of New York City and Nassau, Suffolk and Westchester counties)

\$9.70 per hour on and after December 31, 2016;  
\$10.40 per hour on and after December 31, 2017;  
\$11.10 per hour on and after December 31, 2018;  
\$11.80 per hour on and after December 31, 2019;  
\$12.50 per hour on and after December 31, 2020;  
\$13.20 per hour on and after December 31, 2021;  
\$14.20 per hour on and after December 31, 2022.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jill Archambault, NYS Department of Labor, Building 12, State Office Campus, Albany, NY 12240, (518) 485-2191, email: regulations@labor.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: Labor Law Sections 21(11), 652, 656, and 673.

Legislative Objectives: This rulemaking implements the public policy objectives that the legislature sought to advance by enacting a statutory scheme to increase the minimum wage in several regions across the State. Chapter 54 of the Laws of 2016 provided for increases in the minimum wage and set the rates and schedule for increases ranging from \$2.00 per year in New York City to \$0.70 per year upstate, on the following schedules: (1) \$11.00, \$13.00 and \$15.00 on December 31 of each year from 2016-18, respectively, for work performed in New York City for large employers of 11 or more employees; (2) \$10.50, \$12.00, \$13.50 and \$15.00 on December 31 of 2016-19, respectively, for work performed in New York City for small employers of 10 or less employees; (3) \$10.00, \$11.00, \$12.00, \$13.00, \$14.00 and \$15.00 on December 31 of 2016-21, respectively, for work performed in the counties of Nassau, Suffolk and Westchester; and (4) \$9.70, \$10.40, \$11.10, \$11.80 and \$12.50 on December 31 of 2016-20 for work performed in the rest of the state, with additional increases for the rest of the state to be determined annually by the Division of Budget starting in 2021 and continuing until the rate reaches \$15.00. The Commissioner of Labor (Commissioner) has received a report from the Division of Budget, as provided for in Section 652(6) of the Labor Law, recommending that the minimum wage rate outside of New York City, Nassau, Suffolk and Westchester counties be increased from \$13.20 per hour to \$14.20 per hour on and after December 31, 2022. Section 652 directs the Commissioner to act on such report pursuant to Section 656 of the Labor Law and to modify existing wage orders without a public hearing. Section 673 of the Labor Law states that the minimum wage rate for Article 19-A is established by Section 652.

Needs and Benefits: The regulations implement increases in the minimum wage rates contemplated and required by Chapter 54 of the Laws of 2016, in line with the actions of the Division of Budget and according to the statutory formulas set forth in Labor Law § 652 at subdivisions 2, 4, and 5, as amended. Specifically, that legislation increased the basic hourly minimum wage from its then-current rate of \$9.00 up to \$15.00 on the phased-in schedules set forth at subdivision 1 of Labor Law § 652 and

summarized above and subdivisions 2, 4 and 5 of Labor Law § 652 specify statutory formulas for increasing various other rates set forth in the regulations by reference to the above-referenced minimum wage increases.

The regulations will benefit employers and employees by specifying the exact dollar amounts that result from those statutory formulas to facilitate compliance with statutory increases. Employees will benefit from increases in those rates that specify additional pay required under certain circumstances, while employers will benefit from increases in those rates that specify allowances that employers can use as credits towards partial satisfaction of the minimum wage. The regulations do not establish or eliminate any requirements for additional pay or opportunities for allowances that employers may claim, but simply establish the new dollar amounts that result from the legislation enacted in 2016, and the report of the Director of the Budget in accordance therewith. Such report recommends the Upstate minimum wage increase to \$14.20 per hour on December 31, 2022. A copy of this report is available on the Department's website at <https://dol.ny.gov/minimum-wage-0>. This rulemaking is a step towards implementing this legal process provided for in Section 652 of the Labor Law.

Costs: The cost of these rules to the regulated community is related to the cost of the increase in the minimum wage scheme enacted by the legislature. There will be costs associated with providing the increase in the minimum wage, and minimal initial additional cost associated with recordkeeping.

Local Government Mandates: None. Federal, state, and municipal governments and political subdivisions thereof are excluded from coverage under 12 NYCRR Part 190.

Paperwork: The rule imposes no new or additional paperwork requirements.

Duplication: This rule exceeds the federal minimum wage requirements, but follows the requirements set by the New York State Legislature.

Alternatives: These amendments made are required by law and thus there are no alternatives to amending these regulations beyond what was recommended by the Division of Budget.

Federal Standards: This rule implements the minimum wage and requirements set forth in New York law that exceeds the federal minimum wage. There are no other federal standards relating to this rule.

Compliance Schedule: The regulated community will be required to comply with this regulation on and after December 31, 2022.

**Regulatory Flexibility Analysis**

Effect of Rule: All small businesses, but no local governments, are potentially affected by the changes in these regulations.

Compliance Requirements: There are no changes in the reporting or record-keeping requirements regarding the minimum wage. During the phase-in period, when different minimum wage rates apply in different regions, employers who choose to pay different hourly rates for hours worked in different regions for a given employee during a single payroll period will have to track the hours worked at each rate. The requirement to track hours worked at different rates is not a new requirement imposed by this rulemaking and is based on the employer's decision to pay different rates for different hours. That requirement can be avoided by paying the same hourly rate for work performed in two regions, as long as that hourly rate does not fall below the minimum rate for either region.

Professional Services: No professional services would be required to effectuate the purposes of this rule.

Compliance Costs: Regulations do not establish or eliminate any requirements for additional pay or opportunities for allowances that employers may claim, but simply establish the new dollar amounts that result from the legislation enacted in 2016, and the report of the Director of the Budget in accordance therewith. Such report recommends the Upstate minimum wage increase to \$14.20 per hour on December 31, 2022. A copy of this report is available on the Department's website at <https://dol.ny.gov/minimum-wage-0>.

Economic and Technological Feasibility: Compliance with these regulations will be economically and technologically feasible because these regulations simply adjust existing rates, without imposing new, or altering existing, requirements or procedures for complying with minimum wage requirements.

Minimizing Adverse Impact: The increases to the minimum wage rates are required by law, which minimizes the adverse impact on small businesses by providing a slower phase-in schedule and lower minimum wage rates during that phase-in schedule, as set forth above. In addition, small businesses may choose to take steps to minimize their costs by claiming available allowances for items such as meals and lodging and by avoiding practices that trigger additional pay requirements for certain work shifts and uniform (clothing) practices.

Small Business and Local Government Participation: The increases in minimum wage rates were enacted by the legislature following public hearings held by an administrative wage board across the state in 2015 that resulted in establishment of a \$15.00 minimum wage with different

phase-in periods for New York City and the rest of the state for fast food chains. At those hearings, some small businesses joined workers, elected officials, public interest groups and academics in calling for a \$15.00 minimum wage, and some small businesses joined others in calling for any future increases in the minimum wage to be applied across the board to employers in all industries, and to take into account differences between large and small employers. After administratively adopting a \$15.00 minimum wage for fast food chains with different phase-in schedules for New York City and the rest of the state, the state enacted statutory increases for all industries, with different phase-in schedules for three regions, and different phase-in schedules for work performed in New York City for large and small employers and those proposals were the subject of extensive public dialogue and input leading up to the enactment in 2016. Additional participation will be afforded through the public comment period for these regulations, and through direct outreach from the Department of Labor to impacted communities and/or associations representing such communities. The Department will also be posting notice of these changes in at least ten (10) newspapers of general circulation in the state in accordance with Labor Law Section 656.

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

1. Types and estimated numbers of rural areas: These rules apply to all private employers in all areas of the state.

2. Reporting, recordkeeping and other compliance requirements; and professional services: There are no changes in the reporting or record-keeping requirements regarding the minimum wage and no professional services will be required to comply with this rule. During the phase-in period, when different minimum wage rates apply in different regions, employers who choose to pay different hourly rates for hours worked in different regions for a given employee during a single payroll period will have to track the hours worked at each rate. The requirement to track hours worked at different rates is not a new requirement imposed by this rulemaking and is based on the employer's decision to pay different rates for different hours. That requirement can be avoided by paying the same hourly rate for work performed in two regions, as long as that hourly rate does not fall below the minimum rate for either region.

3. Costs: These rules do not impose any additional costs separate and apart from the costs imposed by the legislature in increasing minimum wage rates and in establishing statutory formulas for adjusting amounts set forth in these rules. Such compliance costs, however characterized, do not exceed the cost of reviewing and increasing pay rates consistent with the statutory increases implemented by this rulemaking.

4. Minimizing adverse impact: The increases to the minimum wage rates are required by law, but rural businesses may choose to take steps to minimize their costs by claiming available allowances for items such as meals and lodging and by avoiding practices that trigger additional pay requirements for certain work shifts.

5. Rural area participation: The increases in minimum wage rates were enacted by the legislature in 2016 following public hearings held by an administrative wage board across the state in 2015 that resulted in establishment of a \$15.00 minimum wage with different phase-in periods for New York City and the rest of the state for fast food chains. At those hearings, some businesses joined workers, elected officials, public interest groups and academics in calling for a \$15.00 minimum wage, and some businesses called for any future increases in the minimum wage to be applied across the board to employers in all industries. After administratively adopting a \$15.00 minimum wage for fast food chains with different phase-in schedules for New York City and the rest of the state, the state enacted statutory increases for all industries, with different phase-in schedules for three regions, and different phase-in schedules for work performed in New York City for large and small employers and those proposals were the subject of extensive public dialogue and input leading up to the enactment in 2016. Additional participation will be afforded through the public comment period for these regulations.

6. Initial Review of Rule: The Department will review the rule within the third calendar year after filing.

#### **Job Impact Statement**

1. Nature of Impact: These regulations conform existing Wage Orders to the statutory increases in the New York State minimum hourly wage rate required by Labor Law § 652 and the amendments thereto made by Chapter 54 of the Laws of 2016.

2. Categories and numbers affected: These regulations are required by statute.

3. Regions of adverse impact: These regulations will track the regions defined by the statutory increases and will provide the same statutory phase-in schedules that provide additional time for employment in upstate regions, and in downstate regions outside of New York City on the following schedules: (1) \$11.00, \$13.00 and \$15.00 on December 31 of each year from 2016-18, respectively, for work performed in New York City for large employers of 11 or more employees; (2) \$10.50, \$12.00, \$13.50 and

\$15.00 on December 31 of 2016-19, respectively, for work performed in New York City for small employers of 10 or less employees; (3) \$10.00, \$11.00, \$12.00, \$13.00, \$14.00 and \$15.00 on December 31 of 2016-21, respectively, for work performed in the counties of Nassau, Suffolk and Westchester; and (4) \$9.70, \$10.40, \$11.10, \$11.80 and \$12.50 on December 31 of 2016-20 for work performed in the rest of the state, with additional increases for the rest of the state to be determined annually, starting in 2021 and continuing until the rate reaches \$15.00. The Division of Budget considered several economic factors and information in its report, which aligns with the regional distinctions made by the legislature in adopting Section 652(6) of the Labor Law in 2016 as part of this overarching scheme towards the minimum wage reaching \$15.00 per hour in all regions of the State.

4. Minimizing adverse impact: The increases to the minimum wage rates are required and in accordance with the process established by the legislature in adopting Chapter 54 of the Laws of 2016, but employers may minimize their costs and impact on jobs, by claiming available allowances for items such as meals and lodging and by avoiding practices that trigger additional pay requirements for certain work shifts.

5. Self-employment opportunities: It is not anticipated that this rule will have a measurable impact on opportunities for self-employment.

6. Initial review of the rule: The Department will review the rule within the third calendar year after filing.

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

### **Minimum Wage Increases**

**I.D. No.** LAB-41-22-00023-P

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

**Proposed Action:** Amendment of Parts 141, 142, 143 and 146 of Title 12 NYCRR.

**Statutory authority:** Labor Law, sections 21(11), 652 and 656

**Subject:** Minimum Wage Increases.

**Purpose:** To implement minimum wage increases pursuant to Labor Law section 652(1)(c).

**Substance of proposed rule (Full text is posted at the following State website: <https://dol.ny.gov/minimum-wage-0>):** 12 NYCRR Part 141 (Minimum Wage Order for the Building Service Industry) is amended: at 141-1.3(a)(3) to increase the basic hourly minimum wage outside of New York City, Nassau, Suffolk and Westchester counties from \$13.20 to \$14.20, and at 141-1.2(c), 141-1.3(a)(3), 141-1.6(a)(2)(i)(c), 141-1.6(a)(2)(ii)(c), 141-1.8(a)(3), 141-2.8(c), 141-3.2(c)(1)(i)(e)(3), and 141-3.2(c)(1)(ii)(d)(3) to increase the monetary amounts specified therein in the same proportion as the increase in the hourly minimum wage.

12 NYCRR Part 142-2 (Minimum Wage Order for Miscellaneous Industries except Nonprofitmaking Institutions) is amended: at 142-2.1(a)(3) to increase the basic hourly minimum wage outside of New York City, Nassau, Suffolk and Westchester counties from \$13.20 to \$14.20, and 142-2.5(a)(1)(i)(c), 142-2.5(a)(1)(ii)(c), 142-2.5(a)(2)(iii), 142-2.5(b)(2)(i)(c), 142-2.5(c)(3), 142-2.14(c)(4)(i)(e)(3), and 142-2.14(c)(4)(ii)(d)(3), to increase the monetary amounts specified therein in the same proportion as the increase in the hourly minimum wage.

12 NYCRR Part 142-3 (Minimum Wage Order for Nonprofit Making Institutions that have not Elected to be Exempt from Coverage under a Minimum Wage Order) is amended: at 142-3.1(a)(3) to increase the basic hourly minimum wage outside of New York City, Nassau, Suffolk and Westchester counties from \$13.20 to \$14.20, and 142-3.5(a)(1)(i)(c), 142-3.5(a)(1)(ii)(c), 142-3.5(a)(2)(iii), 142-3.5(b)(1)(iii), 142-3.5(b)(2)(iii), 142-3.5(c)(3), 142-3.12(c)(2)(i)(e)(3), and 142-3.12(c)(2)(ii)(d)(3) to increase the monetary amounts specified therein in the same proportion as the increase in the hourly minimum wage.

12 NYCRR Part 143 (Minimum Wage Order for not-for-profit institutions that certifies that it will pay the statutory minimum wage in lieu of being covered under a minimum wage order) is amended: at 143.0(b)(3) to increase the basic hourly minimum wage outside of New York City, Nassau, Suffolk and Westchester counties from \$13.20 to \$14.20, and 143.1(b)(1)(v)(c), and 143.1(b)(2)(iv)(c) to increase the monetary amounts specified therein in the same proportion as the increase in the hourly minimum wage.

12 NYCRR Part 146 (Minimum Wage Order for the Hospitality Industry) is amended: at 146-1.2(a)(1)(iii) to increase the basic hourly minimum wage outside of New York City, Nassau, Suffolk and Westchester counties from \$13.20 to \$14.20, and 146-1.3(a)(1)(iii), 146-1.3(a)(2)(iii), 146-1.3(b)(3), 146-1.7(a)(3), 146-1.9(a)(1)(iii), 146-



1.9(b)(1)(iii), 146-1.9(b)(2)(iii), 146-1.9(c)(3), 146-1.9(d)(1)(iii), 146-1.9(d)(2)(iii), 146-1.9(d)(3)(iii), 146-3.2(c)(1)(i)(e)(3), and 146-3.2(c)(1)(ii)(d)(3) to increase the monetary amounts specified therein in the same proportion as the increase in the hourly minimum wage.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jill Archambault, NYS Department of Labor, Building 12, State Office Campus, Albany, NY 12240, (518) 485-2191, email: regulations@labor.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: Labor Law Sections 21(11), 652, and 656.

**Legislative Objectives:** This rulemaking implements the public policy objectives that the legislature sought to advance by enacting a statutory scheme to increase the minimum wage in several regions across the State. Chapter 54 of the Laws of 2016 provided for increases in the minimum wage and set the rates and schedule for increases ranging from \$2.00 per year in New York City to \$0.70 per year upstate, on the following schedules: (1) \$11.00, \$13.00 and \$15.00 on December 31 of each year from 2016-18, respectively, for work performed in New York City for large employers of 11 or more employees; (2) \$10.50, \$12.00, \$13.50 and \$15.00 on December 31 of 2016-19, respectively, for work performed in New York City for small employers of 10 or less employees; (3) \$10.00, \$11.00, \$12.00, \$13.00, \$14.00 and \$15.00 on December 31 of 2016-21, respectively, for work performed in the counties of Nassau, Suffolk and Westchester; and (4) \$9.70, \$10.40, \$11.10, \$11.80 and \$12.50 on December 31 of 2016-20 for work performed in the rest of the state, with additional increases for the rest of the state to be determined annually by the Division of Budget starting in 2021 and continuing until the rate reaches \$15.00. The Commissioner of Labor (Commissioner) has received a report from the Division of Budget, as provided for in Section 652(6) of the Labor Law, recommending that the minimum wage rate outside of New York City, Nassau, Suffolk and Westchester counties (Upstate) be increased from \$13.20 per hour to \$14.20 per hour on and after December 31, 2022. Section 652 directs the Commissioner to act on such report pursuant to Section 656 of the Labor Law.

**Needs and Benefits:** The regulations implement increases in the minimum wage rates contemplated and required by Chapter 54 of the Laws of 2016, in line with the actions of the Division of Budget and according to the statutory formulas set forth in Labor Law § 652 at subdivisions 2, 4, and 5, as amended. Specifically, that legislation increased the basic hourly minimum wage from its then-current rate of \$9.00 up to \$15.00 on the phased-in schedules set forth at subdivision 1 of Labor Law § 652 and summarized above and subdivisions 2, 4 and 5 of Labor Law § 652 specify statutory formulas for increasing various other rates set forth in the regulations by reference to the above-referenced minimum wage increases.

The regulations will benefit employers and employees by specifying the exact dollar amounts that result from those statutory formulas to facilitate compliance with statutory increases. Employees will benefit from increases in those rates that specify additional pay required under certain circumstances, while employers will benefit from increases in those rates that specify allowances that employers can use as credits towards partial satisfaction of the minimum wage. The regulations do not establish or eliminate any requirements for additional pay or opportunities for allowances that employers may claim, but simply establish the new dollar amounts that result from the legislation enacted in 2016, and the report of the Director of the Budget in accordance therewith. Such report recommends the Upstate minimum wage increase to \$14.20 per hour on December 31, 2022. A copy of this report is available on the Department's website at <https://dol.ny.gov/minimum-wage-0>. This rulemaking is a step towards implementing this legal process provided for in Section 652 of the Labor Law.

**Costs:** The cost of these rules to the regulated community is related to the cost of the increase in the minimum wage scheme enacted by the legislature. There will be costs associated with providing the increase in the minimum wage, including proportional increases in additional pay required in certain circumstances involving uniforms, and proportional savings associated with increases in certain allowances that can be used by employers to partially satisfy their minimum wage requirements and minimal initial additional cost associated with recordkeeping.

**Local Government Mandates:** None. Federal, state, and municipal governments and political subdivisions thereof are excluded from coverage under 12 NYCRR Parts 141, 142, 143 and 146 by Labor Law § 651(5). They are not covered under Part 143 because it covers only certain non-profit organizations, in accordance with Labor Law § 652(3).

**Paperwork:** The rule imposes no new or additional paperwork requirements.

**Duplication:** This rule exceeds the federal minimum wage requirements, but follows the requirements set by the New York State Legislature.

**Alternatives:** These amendments made are required by law and thus there are no alternatives to amending these regulations beyond what was recommended by the Division of Budget.

**Federal Standards:** This rule implements the minimum wage and requirements set forth in New York law that exceeds the federal minimum wage. There are no other federal standards relating to this rule.

**Compliance Schedule:** The regulated community will be required to comply with this regulation on and after December 31, 2022.

#### **Regulatory Flexibility Analysis**

**Effect of Rule:** All small businesses, but no local governments, are potentially affected by the changes in these regulations.

**Compliance Requirements:** There are no changes in the reporting or record-keeping requirements regarding the minimum wage. During the phase-in period, when different minimum wage rates apply in different regions, employers who choose to pay different hourly rates for hours worked in different regions for a given employee during a single payroll period will have to track the hours worked at each rate. The requirement to track hours worked at different rates is not a new requirement imposed by this rulemaking and is based on the employer's decision to pay different rates for different hours. That requirement can be avoided by paying the same hourly rate for work performed in two regions, as long as that hourly rate does not fall below the minimum rate for either region.

**Professional Services:** No professional services would be required to effectuate the purposes of this rule.

**Compliance Costs:** Regulations do not establish or eliminate any requirements for additional pay or opportunities for allowances that employers may claim, but simply establish the new dollar amounts that result from the legislation enacted in 2016, and the report of the Director of the Budget in accordance therewith. Such report recommends the Upstate minimum wage increase to \$14.20 per hour on December 31, 2022. A copy of this report is available on the Department's website at <https://dol.ny.gov/minimum-wage-0>.

**Economic and Technological Feasibility:** Compliance with these regulations will be economically and technologically feasible because these regulations simply adjust existing rates, without imposing new, or altering existing, requirements or procedures for complying with minimum wage requirements.

**Minimizing Adverse Impact:** The increases to the minimum wage rates are required by law, which minimizes the adverse impact on small businesses by providing a slower phase-in schedule and lower minimum wage rates during that phase-in schedule, as set forth above. In addition, small businesses may choose to take steps to minimize their costs by claiming available allowances for items such as meals and lodging and by avoiding practices that trigger additional pay requirements for certain work shifts and uniform (clothing) practices.

**Small Business and Local Government Participation:** The increases in minimum wage rates were enacted by the legislature following public hearings held by an administrative wage board across the state in 2015 that resulted in establishment of a \$15.00 minimum wage with different phase-in periods for New York City and the rest of the state for fast food chains. At those hearings, some small businesses joined workers, elected officials, public interest groups and academics in calling for a \$15.00 minimum wage, and some small businesses joined others in calling for any future increases in the minimum wage to be applied across the board to employers in all industries, and to take into account differences between large and small employers. After administratively adopting a \$15.00 minimum wage for fast food chains with different phase-in schedules for New York City and the rest of the state, the state enacted statutory increases for all industries, with different phase-in schedules for three regions, and different phase-in schedules for work performed in New York City for large and small employers and those proposals were the subject of extensive public dialogue and input leading up to the enactment in 2016. Additional participation will be afforded through the public comment period for these regulations, and through direct outreach from the Department of Labor to impacted communities and/or associations representing such communities. The Department will also be posting notice of these changes in at least ten (10) newspapers of general circulation in the state in accordance with Labor Law Section 656.

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

1. Types and estimated numbers of rural areas: These rules apply to all private employers in all areas of the state.

2. Reporting, recordkeeping and other compliance requirements; and professional services: There are no changes in the reporting or record-keeping requirements regarding the minimum wage and no professional services will be required to comply with this rule. During the phase-in period, when different minimum wage rates apply in different regions, employers who choose to pay different hourly rates for hours worked in different regions for a given employee during a single payroll period will have to track the hours worked at each rate. The requirement to track hours

worked at different rates is not a new requirement imposed by this rulemaking and is based on the employer's decision to pay different rates for different hours. That requirement can be avoided by paying the same hourly rate for work performed in two regions, as long as that hourly rate does not fall below the minimum rate for either region.

3. Costs: These rules do not impose any additional costs separate and apart from the costs imposed by the legislature in increasing minimum wage rates and in establishing statutory formulas for adjusting amounts set forth in these rules. Such compliance costs, however characterized, do not exceed the cost of reviewing and increasing pay rates consistent with the statutory increases implemented by this rulemaking.

4. Minimizing adverse impact: The increases to the minimum wage rates are required by law, but rural businesses may choose to take steps to minimize their costs by claiming available allowances for items such as meals and lodging and by avoiding practices that trigger additional pay requirements for certain work shifts and uniform (clothing) practices.

5. Rural area participation: The increases in minimum wage rates were enacted by the legislature in 2016 following public hearings held by an administrative wage board across the state in 2015 that resulted in establishment of a \$15.00 minimum wage with different phase-in periods for New York City and the rest of the state for fast food chains. At those hearings, some businesses joined workers, elected officials, public interest groups and academics in calling for a \$15.00 minimum wage, and some businesses called for any future increases in the minimum wage to be applied across the board to employers in all industries. After administratively adopting a \$15.00 minimum wage for fast food chains with different phase-in schedules for New York City and the rest of the state, the state enacted statutory increases for all industries, with different phase-in schedules for three regions, and different phase-in schedules for work performed in New York City for large and small employers and those proposals were the subject of extensive public dialogue and input leading up to the enactment in 2016. Additional participation will be afforded through the public comment period for these regulations.

6. Initial review of rule: The Department will review the rule within the third calendar year after filing.

#### **Job Impact Statement**

1. Nature of impact: These regulations conform existing Wage Orders to the statutory increases in the New York State minimum hourly wage rate required by Labor Law § 652 and the amendments thereto made by Chapter 54 of the Laws of 2016.

2. Categories and numbers affected: These regulations are required by statute.

3. Regions of adverse impact: These regulations will track the regions defined by the statutory increases and will provide the same statutory phase-in schedules that provide additional time for employment in upstate regions, and in downstate regions outside of New York City on the following schedules: (1) \$11.00, \$13.00 and \$15.00 on December 31 of each year from 2016-18, respectively, for work performed in New York City for large employers of 11 or more employees; (2) \$10.50, \$12.00, \$13.50 and \$15.00 on December 31 of 2016-19, respectively, for work performed in New York City for small employers of 10 or less employees; (3) \$10.00, \$11.00, \$12.00, \$13.00, \$14.00 and \$15.00 on December 31 of 2016-21, respectively, for work performed in the counties of Nassau, Suffolk and Westchester; and (4) \$9.70, \$10.40, \$11.10, \$11.80 and \$12.50 on December 31 of 2016-20 for work performed in the rest of the state, with additional increases for the rest of the state to determined annually, starting in 2021 and continuing until the rate reaches \$15.00. The Division of Budget considered several economic factors and information in its report, which aligns with the regional distinctions made by the legislature in adopting Section 652(6) of the Labor Law in 2016 as part of this overarching scheme towards the minimum wage reaching \$15.00 per hour in all regions of the State.

4. Minimizing adverse impact: The increases to the minimum wage rates are required and in accordance with the process established by the legislature in adopting Chapter 54 of the Laws of 2016, but employers may minimize their costs and impact on jobs, by claiming available allowances for items such as meals and lodging and by avoiding practices that trigger additional pay requirements for certain work shifts and uniform (clothing) practices.

5. Self-employment opportunities: It is not anticipated that this rule will have a measurable impact on opportunities for self-employment.

6. Initial review of the rule: The Department will review the rule within the third calendar year after filing.

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

#### **Overtime Thresholds for Farm Laborers**

**I.D. No.** LAB-41-22-00024-P

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

**Proposed Action:** Addition of section 190-2.4 to Title 12 NYCRR.

**Statutory authority:** Labor Law, sections 21(11), 656 and 674-a

**Subject:** Overtime Thresholds for Farm Laborers.

**Purpose:** To implement incremental reductions in overtime pay thresholds for farm laborers.

**Text of proposed rule:** *Overtime*

*An employer shall pay an employee for overtime at a wage rate of one- and one-half times the employee's regular rate of pay for hours worked in excess of the following number of hours in one workweek:*

- (a) 60 hours on or after January 1, 2020;
- (b) 56 hours on or after January 1, 2024;
- (c) 52 hours on or after January 1, 2026;
- (d) 48 hours on or after January 1, 2028;
- (e) 44 hours on or after January 1, 2030;
- (f) 40 hours on or after January 1, 2032.

**Text of proposed rule and any required statements and analyses may be obtained from:** Jill Archambault, NYS Department of Labor, Building 12, State Office Campus, Albany, NY 12240, (518) 485-2191, email: regulations@labor.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: Labor Law Sections 21(11), 656, and 674-a.

Legislative Objectives: The Farm Laborers Fair Labor Practices Act ("Act"), Chapter 105 of the Laws of 2019, requires that beginning on January 1, 2020, farm laborers be compensated with overtime pay for any work performed in excess of 60 hours per week. In addition, the Act requires that the Commissioner of Labor ("Commissioner") convene a Farm Laborers Wage Board ("Board") to further consider the appropriate overtime threshold for farm laborers (Labor Law Section 674-a). Once convened, the Act requires the Board to make recommendations concerning if and to what extent the overtime threshold for farm laborers could be lowered below 60 hours per week. The Act permits the Board to recommend a series of successively lower overtime work thresholds and phase-in dates as part of its determinations. The Act states that that the Board must consider existing overtime rates in similarly situated industries in New York State and expressly prohibits the Board from submitting a report or recommendation that diminishes or limits any rights, protections, benefits, or entitlements that are currently available to any farm laborer.

Needs and Benefits: On February 28, 2020, Commissioner Roberta Reardon convened the Board pursuant to the Act and the minimum wage provisions of Articles 19 and 19-a of the New York State Labor Law, which also authorize the Commissioner to convene wage boards. The Act established a three-member Board to include one member from the New York Farm Bureau, one member from the New York State AFL-CIO and one member to be appointed by the Commissioner from the general public and designated as chairperson. Accordingly, the Board included Ms. Brenda McDuffie, former President of the Buffalo Urban League (Board Chair); Mr. David Fisher, President of the New York Farm Bureau (Board Member); and Mr. Denis Hughes, former President of the New York State AFL-CIO (Board Member). The Commissioner charged the Board with the following responsibilities: the Board shall make recommendations for overtime work for farm laborers that shall not be in excess of sixty hours; consider the extent to which the overtime threshold can be lowered below the 60 hours established by the Act; and may provide for a series of successively lower overtime work thresholds and phase-in dates as part of its determinations.

In 2020, the Board heard live testimony and accepted written testimony during five (5) public hearings and subsequently held four (4) public meetings to discuss the testimony given. Due to the COVID-19 pandemic, the Board conducted its hearings and meetings remotely using an online videoconference system. Each hearing was publicized in advance, open to the public, videotaped, and posted on the Department of Labor's ("Department") website. During each hearing and meeting, the Board offered translation services to facilitate broad participation. The hearings occurred on August 26, August 27, August 31, and September 30 of 2020; and the public meetings on November 19, December 28, December 29, and December 31 of 2020. During these meetings, members received additional presentation materials from Department staff and deliberated as a Board.

At the December 31, 2020, meeting, the Board, by a vote of 2-1, passed a resolution in favor of issuing a report citing the extenuating circumstances of the COVID-19 pandemic, including the unprecedented challenges impacting both the agriculture industry and the global economy, as well as its effects on food systems in New York State, and recommending that the Board reconvene at a later date but before the end of 2021.

In accordance with NY Labor Law § 656, the Commissioner issued an

Order on February 19, 2021 that called for: (i) the Board to reconvene no later than December 15, 2021, and (ii) the Department, in consultation with the Department of Agriculture and Markets and other agencies and stakeholders, to present statistical data and other key information related to the matter before the Board including information concerning: (1) agricultural employees' economic security and mental and physical health, as documented by occupational safety and health clinics and other organizations within New York State that provide direct services to this population; (2) agricultural employers' gross and net incomes, as published annually by the United States Department of Agriculture; (3) employee retention rates for the industry based on the Department's data; (4) the impact of the sixty-hour overtime threshold and other worker protections implemented under the Act on employers and employees within particular sectors of New York's agricultural industry; and (5) the impact of wage and other worker protections in other similarly situated industries in New York State.

On December 15, 2021, the Commissioner reconvened the Board, comprised of the same members, which held additional hearings on January 4, January 18, January 20, and January 28 of 2022. Each hearing was publicized in advance, open to the public, videotaped, and posted on the Department's website. Translation services were also offered.

On January 28, 2022, after considering testimony from farmers, farm workers, representatives of agricultural industry groups, advocacy and service organizations, and civil rights groups, the majority of the Board adopted three resolutions recommending that the Commissioner raise standards governing overtime pay in agriculture to parity with those in other industries, while being responsive to the needs of agricultural businesses. The Board voted 2-1 in favor of lowering the threshold from 60 hours per week to 40 hours, but doing so in a measured approach, over several years as follows: beginning on January 1, 2024 the current overtime threshold will be reduced by 4 hours to 56; 56 hours shall remain the standard until January 1, 2026 when the threshold shall drop by 4 hours to 52; every other year thereafter, the threshold shall be reduced by 4 more hours until it reaches 40 on January 1, 2032; and thereafter, it shall remain at 40 hours.

The Board voted 2-1 in favor of advancing their final report and recommendations to the Commissioner at a virtual public meeting on September 6, 2022.

In accordance with NY Labor Law § 656, the Commissioner issued an Order on September 30, 2022, accepting the Board's report and recommendations without modification.

This rulemaking is to effectuate the Commissioner's Order accepting the Board's recommendation and to add the incremental overtime thresholds set in the Commissioner's Order to amend 12 NYCRR Part 190. This rulemaking will lower the overtime threshold for farm laborers from 60 hours per week to 40 hours in a measured approach over the next ten (10) years with the first change beginning in 2024. This phased-in structure is intended to mitigate economic hardship for farm owners and improve the economic viability of farm laborers. The Board made this recommendation after hearing from a wide range of stakeholders, including farmers, workers, agricultural industry associations, labor and worker advocates, agriculture supply and financing organizations, and other related groups. Several members of the New York State Legislature also testified, as did members of the public. Many individuals also submitted written testimony to the Board. The Board received various governmental, academic, and other studies and reports presenting data and statistical information. In addition, the Commissioner also received letters and comments directly.

**Costs:** The cost of this rulemaking to the regulated community is related to the cost of the increase in wages for overtime work engaged in by farm laborers.

**Local Government Mandates:** None. Federal, state, and municipal governments and political subdivisions thereof not covered by Article 19-A of the Labor Law nor 12 NYCRR Part 190.

**Paperwork:** There are no new record keeping requirements in this rulemaking.

**Duplication:** There is no federal overtime requirement for farm laborers, and the legislature enacted a statutory scheme to allow the Commissioner to supplement the overtime threshold set in Labor Law Section 163-a by requiring overtime pay after a specified number of hours worked through the legal processes set forth in Labor Law Sections 656 and 674-a.

**Alternatives:** The Board considered the amendments that are the subject of this rulemaking during a nearly two-year period of public hearings and meetings, during which interested stakeholders advocated for a range of options including lowering the threshold to 40 hours immediately and maintaining a 60-hour threshold indefinitely.

**Federal Standards:** There are no federal overtime pay thresholds specific to farm laborers. Farm laborers are excluded from coverage of the overtime provisions of the federal Fair Labor Standards Act.

**Compliance Schedule:** The regulated community will be required to comply with this rulemaking on and after January 1, 2024.

#### **Regulatory Flexibility Analysis**

**Effect of Rule:** Small businesses, but no local governments, are potentially affected by the changes in this rulemaking. This rulemaking

amends the existing Minimum Wage Order for Farm Workers (12 NYCRR Part 190) to lower the overtime threshold for farm laborers from 60 hours per week to 40 hours over the next ten years beginning in 2024. Therefore, small businesses covered by 12 NYCRR Part 190 will be affected. As stated in the Farm Laborers Wage Board's ("Board's") report, in 2020, New York State's agriculture industry employed just under 23,500 workers in approximately 2,300 establishments throughout the state, according to New York State's Quarterly Census of Employment and Wages program.

**Compliance Requirements:** There are no changes in existing reporting or record-keeping requirements to comply with this rulemaking. Impacted small businesses will be required to comply with the new overtime thresholds established by this rulemaking on and after January 1, 2024.

**Professional Services:** No professional services are required.

**Compliance Costs:** The cost of this rulemaking is related to the cost of the increase in wages for overtime work engaged in by farm laborers.

**Economic and Technological Feasibility:** Compliance with these regulations will be economically and technologically feasible because of the phased-in approach over 10 years to absorb the economic impact.

**Minimizing Adverse Impact:** This rulemaking will lower the overtime threshold over a period of ten years with the first change beginning in 2024. This phased-in structure is intended to mitigate economic hardship for farm owners and improve the economic viability of farm laborers. In addition, in 2022, three New York State tax credits were enacted to assist farmers in transitioning to a lower overtime standard; see Chapter 59 of the Laws of 2022.

**Small Business and Local Government Participation:** The Board recommended lowering the overtime threshold reflected in this rulemaking after hosting one in-person public hearing on February 28, 2020, in Albany, followed by four virtual public hearings and four virtual public meetings in 2020 due to the COVID-19 pandemic. In 2022, the Board hosted four additional virtual public hearings where testimony was heard from farm workers, agricultural employers, academic experts, and elected officials, among others. The Board heard from a wide range of stakeholders, including farmers, workers, agricultural industry associations, labor and worker advocates, agriculture supply and financing organizations, and other related groups. Members of the public also submitted written testimony to the Board. The Board received various governmental, academic, and other studies and reports presenting data and statistical information. In addition, the Commissioner also received letters and comments directly. Additional participation will be afforded through the public comment period for these regulations, and through direct outreach from the Department of Labor to impacted communities and/or associations representing such communities. The Department will also be posting notice of the Commissioner's Order directing these changes in at least ten newspapers of general circulation in the state in accordance with Labor Law Section 656.

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

1. Types and estimated numbers of rural areas: This rulemaking will apply to all employers covered by 12 NYCRR 190 in all areas of the state.

2. Reporting, recordkeeping and other compliance requirements; and professional services: There are no changes in existing reporting or record-keeping requirements and no professional services will be required to comply with this rulemaking.

3. Costs: The cost of this rulemaking to the regulated community is related to the cost of the increase in wages for overtime work engaged in by farm laborers.

4. Minimizing adverse impact: This rulemaking will lower the overtime threshold from 60 hours per week to 40 hours over the next ten years with the first change beginning in 2024. This phased-in structure is intended to mitigate economic hardship for farm owners and improve the economic viability of farm laborers. In addition, in 2022, three New York State tax credits were enacted to assist farmers in transitioning to a lower overtime standard; see Chapter 59 of the Laws of 2022.

5. Rural area participation: The Farm Laborers Wage Board ("Board") recommended lowering the overtime threshold reflected in this rulemaking after hosting one in-person public hearing on February 28, 2020, in Albany, followed by four virtual public hearings and four virtual public meetings in 2020 due to the COVID-19 pandemic. In 2022, the Board hosted four additional virtual public hearings where testimony was heard from farm workers, agricultural employers, academic experts, and elected officials, among others. The Board heard from a wide range of stakeholders, including farmers, workers, agricultural industry associations, labor and worker advocates, agriculture supply and financing organizations, and other related groups. Members of the public also submitted written testimony to the Board. The Board received various governmental, academic, and other studies and reports presenting data and statistical information. In addition, the Commissioner also received letters and comments directly. Additional participation will be afforded through the public comment period for these regulations.

6. Initial review of rule: The Department of Labor will review the rule within the third calendar year after filing.

**Job Impact Statement**

1. Nature of Impact: This rulemaking amends the existing Minimum Wage Order for Farm Workers (12 NYCRR Part 190) to lower the overtime threshold for farm laborers from 60 hours per week to 40 hours over the next ten years beginning in 2024. This rulemaking effectuates the Commissioner of Labor's Order accepting the Farm Laborers Wage Board's ("Board") recommendation to adopt this phased-in schedule lowering the current overtime threshold.

2. Categories and numbers affected: As stated in the Board's report, in 2020, New York State's agriculture industry employed just under 23,500 workers in approximately 2,300 establishments throughout the state, according to New York State's Quarterly Census of Employment and Wages program.

3. Regions of adverse impact: This rulemaking will apply statewide with no specific regional exceptions.

4. Minimizing adverse impact: This rulemaking will lower the overtime threshold over the next ten years with the first change beginning in 2024. This phased-in structure is intended to mitigate economic hardship for farm owners and improve the economic viability of farm laborers. In addition, in 2022, three New York State tax credits were enacted to assist farmers in transitioning to a lower overtime standard; see Chapter 59 of the Laws of 2022.

5. Self-employment opportunities: It is not anticipated that this rulemaking will have a measurable impact on opportunities for self-employment.

6. Initial review of the rule: The Department of Labor will review the rule within the third calendar year after filing.

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## Public Service Commission

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

#### Proposed Revision to the Non-Wires Alternative Mechanism Surcharge

**I.D. No.** PSC-41-22-00018-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 Niagara Mohawk Power Corporation d/b/a National Grid to amend P.S.C. No. 220 — Electricity, to modify the reconciliation method of the Non-Wires Alternative Incentive Mechanism Surcharge.

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

**Subject:** Proposed revision to the Non-Wires Alternative Mechanism Surcharge.

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

**Substance of proposed rule:** The Commission is considering a proposal, filed on September 8, 2022, by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid or the Company) to amend its electric tariff schedule, P.S.C. No. 220 – Electricity, to modify the language of its Non-Wires Alternatives Incentive Mechanism Surcharge (NWA Surcharge).

National Grid proposes a revision to the reconciliation method for its NWA Surcharge, which would allow it to reconcile surcharge recoveries on an annual basis rather than on a monthly basis. The Company states that this proposal would bring this surcharge in line with other surcharges of this type that the Company assesses. The Company also states that this change would provide more rate stability to customers over the 12-month reconciliation period. The proposed amendment has an effective date of January 1, 2023. The Company also requests a waiver of the newspaper publication requirements of PSL § 66(12)(b) and 16 NYCRR § 720-8.1 as there are no current projects being recovered through the NWA surcharge.

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:** 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-0530SP1)

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

#### Petition to Submeter Electricity

**I.D. No.** PSC-41-22-00019-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 21 Erie Assoc., LLC to submeter electricity at 21 Erie Boulevard, Albany, 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 Commission is considering the petition filed by 21 Erie Assoc., LLC on August 2, 2022, seeking authority to submeter electricity at a new mixed-use building, offering market rate rental units, located at 21 Erie Boulevard, Albany, New York, 12207, in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid (National Grid).

In the petition, 21 Erie Assoc., LLC requests authorization to take electric service from National Grid and then distribute and meter that electricity to its tenants. Submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The 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-0462SP1)

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

#### The Proposed Transfer of Real Property and Other Assets Related to an Electric Generating Facility

**I.D. No.** PSC-41-22-00020-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 Astoria Gas Turbine Power LLC and Beacon Wind Land LLC requesting

authorization for the transfer of real property and other assets associated with the Astoria Generating Station in Astoria, New York.

**Statutory authority:** Public Service Law, sections 5, 64, 65, 66 and 70

**Subject:** The proposed transfer of real property and other assets related to an electric generating facility.

**Purpose:** To determine whether the proposed transfer is in the public interest.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a joint petition filed on September 15, 2022 by Astoria Gas Turbine Power LLC (AGTP) and Beacon Wind Land LLC (Beacon Wind) (collectively, the Petitioners), requesting a declaratory ruling that no further review is required under Section 70 of the Public Service Law (PSL) regarding: (1) a proposed sale, by AGTP to Beacon Wind, of the land associated with the existing Astoria Generating Station in Astoria, Queens, New York (the Facility), along with certain improvements and assets located on the Facility site and associated contracts and permits (the Transferred Assets); and (2) a limited term lease back to AGTP of the portion of the land containing the Facility, as well as such Transferred Assets as are necessary for AGTP to continue to operate the Facility until its retirement.

The Petitioners assert that the proposed transaction does not provide an opportunity for the exercise of horizontal or vertical market power because it does not involve the transfer of any ownership interests in electric generation or transmission assets, and AGTP will continue to own and operate the Facility until its retirement. The Petitioners also assert that there is no potential for harm to the interests of captive New York ratepayers because AGTP's sales of electric power from the Facility are exclusively at wholesale market-based rates. For those reasons, the Petitioners assert that no further review of the proposed transaction is required under PSL § 70.

In the alternative, the Petitioners request approval of the proposed transaction, pursuant to PSL § 70, on the grounds that the proposed transaction is in the public interest. The Petitioners assert that the sale and leaseback would allow AFTP to continue operating the Facility until it is retired and decommissioned. Following expiration of the AGTP lease term, the site would be leased to an affiliate of Beacon Wind for use as the site for one or more converter stations and related facilities associated with offshore wind generation.

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-0535SP1)

**State University of New York**

**NOTICE OF ADOPTION**

**State Basic Financial Assistance for Operating Expenses of Community Colleges Under the Program of SUNY and CUNY**

**I.D. No.** SUN-21-22-00003-A

**Filing No.** 797

**Filing Date:** 2022-09-22

**Effective Date:** 2022-10-12

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

**Action taken:** Amendment of sections 602.8(c) and 602.13 of Title 8 NYCRR.

**Statutory authority:** Education Law, sections 355(1)(c), 6304(1)(b); L. 2022, ch. 53

**Subject:** State basic financial assistance for operating expenses of community colleges under the program of SUNY and CUNY.

**Purpose:** To modify limitations formula for basic State financial assistance and modify the funding floor.

**Text or summary was published** in the May 25, 2022 issue of the Register, I.D. No. SUN-21-22-00003-EP.

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

**Text of rule and any required statements and analyses may be obtained from:** Lisa S. Campo, State University of New York, H. Carl McCall SUNY Building, Albany, NY 12246, (518) 320-1400, email: [Lisa.Campo@SUNY.edu](mailto:Lisa.Campo@SUNY.edu)

**Assessment of Public Comment**

The agency received no public comment.

**Office of Victim Services**

**NOTICE OF ADOPTION**

**Office of Victim Services (OVS) Direct Reimbursement to Medical Providers for Services to Sexual Assault Survivors**

**I.D. No.** OVS-31-22-00010-A

**Filing No.** 828

**Filing Date:** 2022-10-04

**Effective Date:** 2022-10-12

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

**Action taken:** Amendment of section 525.12(h) of Title 9 NYCRR.

**Statutory authority:** Executive Law, sections 623(3) and 631(13)

**Subject:** Office of Victim Services (OVS) 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 or summary was published** in the August 3, 2022 issue of the Register, I.D. No. OVS-31-22-00010-P.

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

**Text of rule and any required statements and analyses may be obtained from:** John Watson, General Counsel, NYS Office of Victim Services, 80 South Street, Second Floor, Albany, NY 12210, (518) 457-8066, email: [john.watson@ovs.ny.gov](mailto:john.watson@ovs.ny.gov)

**Initial Review of Rule**

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

**Assessment of Public Comment**

The agency received no public comment.

## NOTICE OF ADOPTION

**Office of Victim Services (OVS) Reimbursement for Items of Essential Personal Property (EPP)**

I.D. No. OVS-31-22-00011-A

Filing No. 827

Filing Date: 2022-10-04

Effective Date: 2022-10-12

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

**Action taken:** Addition of sections 525.3(i), (j) and 525.12(n) to Title 9 NYCRR.

**Statutory authority:** Executive Law, sections 621(8) and 623(3)

**Subject:** Office of Victim Services (OVS) reimbursement for items of essential personal property (EPP).

**Purpose:** To define and establish reasonable reimbursement amounts for items of EPP related to welfare.

**Text or summary was published** in the August 3, 2022 issue of the Register, I.D. No. OVS-31-22-00011-P.

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

**Text of 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

**Initial Review of Rule**

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

**Assessment of Public Comment**

The agency received no public comment.

under section 207 of the Workers' Compensation Law, to the chairman, within 30 days after commencement of the period of disability. Proof of such disability shall be furnished to the employer or carrier or, in the case of a claimant under section 207 of the Workers' Compensation Law, to the chairman, not later than 30 days after commencement of the period of disability and thereafter from time to time as the employer or carrier or chairman may require but not more often than once each week.] *Notice and proof of disability shall be in the format prescribed by the chair. Once the employer receives the request for disability benefits from an employee, the employer shall complete the employer information and return it to the employee within three business days.*

(b) Such notice and proof shall include statements furnished by the claimant and the claimant's attending physician, podiatrist, *certified nurse midwife*, chiropractor or dentist in form prescribed for such purpose by the chairman. The attending physician, podiatrist, *certified nurse midwife*, chiropractor or dentist shall complete and mail such form to the carrier or self-insured employer, or return it to the claimant, within seven days of receipt of the form.

(c) A carrier, employer or the chairman may investigate a claim and for cause require additional information.

(d) Failure to furnish notice or proof within *thirty days after commencement of the period of disability* [the time and in the manner above provided] shall not invalidate the claim, but no benefits shall be required to be paid for any period more than two weeks prior to the date on which the required proof is furnished. However, *if claimant shows it was not* [it shall be shown not to have been] reasonably possible [for the claimant] to furnish such notice or proof *within thirty days* and that such notice or proof was furnished as soon as possible (*e.g., delay by medical provider, or claimant was incapacitated*), such delay may be excused and benefits may be payable for the full period of disability; provided, however, that no benefits shall be paid unless] required proof of disability is furnished within 26 weeks after commencement of the period of disability.

Section 363.13 of Title 12 is hereby amended to read as follows:

363.13. [Rejection] *Denial of claim*

(a) [Notice of rejection of claim. If an employee's claim for benefits is rejected in whole or in part by the chairman, carrier or employer, notice of such rejection, in a form prescribed by the chairman, shall be mailed promptly in triplicate to the employee.] *Notice of denial of claim. If the employer or carrier denies an initial claim for disability benefits, the employer or carrier must notify the employee of such denial in a manner prescribed by the chair within 18 days of receipt of the proof of disability and must thereafter notify the employee of rejection within 45 days of receipt of the proof of disability.*

(b) *Notice of rejection of claim. A Notice of Total or Partial Rejection of Claim for Disability Benefits (in the format prescribed by the Chair) sent to the claimant within 18 days of receipt of proof of disability shall satisfy the employer or carrier's obligation to send a notice of denial of claim pursuant to subdivision (a) of this section.*

(c) *Unless supported by an examination pursuant to Workers' Compensation Law § 217(2), and upon 7 days' notice to the employee, no inquiry pursuant to Workers' Compensation Law § 208(1) shall be made prior to the expiration of the medical or twelve weeks from the date of disability, whichever is sooner. Any inquiry made thereafter must be made no more than two weeks prior to the date of expiration of the proof of disability. Such inquiry shall include a clear and prominent statement of the deadline of at least 2 weeks for responding and consequences of failing to respond. Proof of a disability caused by or in connection with a pregnancy shall be presumed to be valid for the four weeks prior to the child's estimated due date and for the six weeks after giving birth or eight weeks after delivering by Cesarean section.*

(d) *The carrier or self-insured employer may deny the claim without prejudice for the following reasons:*

- (1) *incomplete Notice and Proof of Claim for Disability Benefits; or*
- (2) *insufficient certification of disability.*

(e) *If the claim is denied without prejudice due to an incomplete claim package, the carrier or self-insured employer must notify the employee of each piece of required information, as identified on the Notice and Proof of Claim for Disability Benefits (in the format prescribed by the Chair), which is missing from the employee's claim for benefits. If the claim is not refilled within 30 days from when leave was first taken, the carrier or self-insured employer may deny the claim.*

(f) *The carrier or self-insured employer may deny the claim for the following reasons:*

- (1) *employee has not been employed by the employer for at least 4 consecutive weeks and has not carried eligibility from their prior employer;*
- (2) *employee is not an employee of the employer or employee's disability began more than 4 weeks after their employment terminated;*
- (3) *employee is not an employee of a covered employer;*
- (4) *the amount of leave requested exceeds the statutory maximum benefit period under Article 9 of the Workers' Compensation Law;*

**Workers' Compensation Board****PROPOSED RULE MAKING  
NO HEARING(S) SCHEDULED****Disability Benefits**

I.D. No. WCB-41-22-00002-P

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

**Proposed Action:** Amendment of sections 355.4, 363.1, 363.11, 363.13; addition of sections 363.15 and of 363.16 to Title 12 NYCRR.

**Statutory authority:** Workers' Compensation Law, sections 117 and 141

**Subject:** Disability benefits.

**Purpose:** To update and clarify DB claims process, and conform to statute.

**Text of proposed rule:** Subdivision (b) of Section 355.4 of Title 12 NYCRR is hereby amended to read as follows:

(b) An employer of personal or domestic employees in a private home becomes a covered employer from and after the expiration of four weeks following the employment of one or more personal or domestic employees who work for a minimum of 20 [40] hours per week for such employer and are employed on each of at least 30 days in any calendar year.

A new subdivision (e) of Section 363.1 of Title 12 is hereby added to read as follows:

(e) *Disability includes disability caused by or in connection with a pregnancy. An employee is presumed to have a disability caused by or in connection with a pregnancy for at least the four weeks prior to the child's estimated due date and for the six weeks after giving birth. An employee who delivers by Cesarean section has a disability caused by or in connection with a pregnancy for eight weeks after giving birth. Any further disability requires medical certification of a complication due to pregnancy or childbirth.*

Section 363.11 of Title 12 NYCRR is hereby amended to read as follows:

(a) [Written notice of disability shall be furnished to the employer by or on behalf of the employee claiming benefits or in the case of a claimant

(5) the amount of leave requested exceeds the leave needed as stated in the medical certification of the employee;

(6) the claim was not timely made, and claimant did not show it was not reasonably possible to timely file required notice and proof of claim (e.g., delay of medical provider, or claimant was incapacitated);

(7) the employer did not have coverage on the date leave began:

(i) when the Board has identified a carrier as providing coverage, the carrier shall pay benefits to the employee without prejudice while the dispute regarding coverage is resolved. Whenever a claim for benefits is the responsibility of the special fund for disability benefits pursuant to section 213 of the Workers' Compensation Law, the chair may waive the special fund for disability benefits' obligation to pay without prejudice;

(ii) when a basis for denial is lack of insurance coverage, the insurance carrier shall provide the Board with a copy of the denial;

(8) disability arose out of and in the course of the employee's employment as evidenced by a workers' compensation claim number, if available, or by providing the employer's name and date of accident or date of disablement.

(g) Failure of the employer to complete, or inadequate completion by the employer, of the employer section on the Notice and Proof of Claim for Disability Benefits is not a valid basis for denial by the carrier.

(h) If the employee is eligible to receive benefits at the time of submission of the Notice and Proof of Claim for Disability Benefits with the carrier, the carrier or self-insured employer must accept the claim and make payment to the employee within 18 days. In addition to any other applicable penalties, any benefits paid after 18 days shall draw simple interest from 10 days after notice was given, at the rate provided in section 5004 of the Civil Practice Law and Rules.

(i)(b) Request for review. If an employee desires a review of any action on [his] their claim, [he] they shall file with the chair [mantwo copies of] the notice of rejection of [his] their claim, [his] the request for review and a statement giving specific reasons for such request. Determination of such contested claim shall be made in accordance with the provisions of section 221 of the Workers' Compensation Law. If the insurance carrier or self-insured employer fails to respond to an inquiry from the Workers' Compensation Board relating to a request for review, the claim shall be deemed approved. [Any hearing necessary for such review will be scheduled within 90 days after receipt by the board of the completed request for review. Cases at hearing points which do not have regularly scheduled hearings within 90 days, may be scheduled at another available hearing point.]

A new section 363.15 of Title 12 NYCRR is hereby added to read as follows:

**363.15. Alternate method for filing a claim**

(a) A carrier or self-insured employer who receives a request for benefits in any format other than the format prescribed by the chair shall immediately provide the employee with an acknowledgment of receipt with a claim identification number.

(b) If the request for benefits is made telephonically, the carrier or self-insured employer shall create a written form, or use the format prescribed by the chair, to capture the information reported by the employee. The carrier or self-insured employer shall provide a copy of the completed written form with any notice of rejection or notice of denial. If the carrier or self-insured employer accepts the medical certification telephonically, such carrier or self-insured employer may not deny the claim based on insufficient medical certification.

(c) If the carrier or self-insured employer determines the request for paid family leave is incomplete, it shall provide the employee within five business days a list of each piece of required information which is missing with the corresponding data field on the Notice and Proof of Claim for Disability Benefits prescribed by the chair identified. Such list shall also provide the employee with an explanation of how to properly complete Notice and Proof of Claim for Disability Benefits.

A new section 363.16 of Title 12 NYCRR is hereby added to read as follows:

**363.16. Certain PFL Regulations Also Applicable to Subchapter H**

Sections 380-5.5, 380-5.6, and 380-7.2 of this Title shall also be applicable to disability benefits under Article 9 of the Workers' Compensation Law.

**Text of proposed rule and any required statements and analyses may be obtained from:** Heather MacMaster, NYS Workers' Compensation Board, Office of General Counsel, 328 State Street, Schenectady, NY 12305, (518) 486-9564, email: regulations@wcb.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.

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

**Regulatory Impact Statement**

1. Statutory Authority: Workers' Compensation Law (WCL) § 117(1) and 142 authorizes the Chair of the Workers' Compensation Board (Board

to adopt reasonable rules consistent with, and supplemental to, the provisions of the WCL.

2. Legislative Objectives: To establish clear requirements and procedures for regulated entities to follow with respect to the disability benefit system.

3. Needs and Benefits: The proposal seeks to update and clarify the disability benefits process, as well as align more closely with the PFL regulations. The proposed amendments provide greater clarity to procedures that statutory disability insurance carriers and self-insured employers must follow in order to comply with the WCL. The proposal also adds a definition of disability related to pregnancy and childbirth, for four weeks prior to the due date and for six weeks after giving birth (eight weeks in the case of a Caesarian section), which streamlines the application and documentation process for claimants who give birth. The proposal provides clear instructions regarding denial of claims to improve the notice given to claimants and to clarify when and how a claim may be denied and appealed. They also remove language in the regulations that is duplicated in the statute, and conform the regulations to a change in WCL § 202[2], which now states that employers of personal or domestic employees are covered employers if one or more personal or domestic employees work a minimum of twenty hours per week (formerly forty hours per week) on at least thirty days in a calendar year.

These changes seek to remedy some issues with the disability benefits process that the Board has seen over the years, make the process easier and cleaner for employees applying for these benefits and make the process clearer to insurance carriers and self-insured employers, as well.

4. Costs: The proposed amendments are anticipated to reduce costs overall by making the disability benefits application process clearer and easier for claimants to use and provide carriers with clearer guidelines and requirements to follow to reduce disputes over claims and make claims processing more efficient.

5. Local Government Mandates: The proposed amendments do not impose any additional program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

6. Paperwork: The proposed amendments update the application forms for disability benefits and create a new form that must be completed only if the decision on an application for disability benefits is not done within 18 days of receipt of a completed request for disability benefits. The proposal also adds an employer section to the disability benefits application, which employers will need to fill out within three business days.

7. Duplication: The proposal does not duplicate or conflict with any state or federal requirements.

8. Alternatives: An alternative would be to leave the current regulations in place. However, the current regulations conflict with the statute in multiple places, which left outdated will lead to confusion. Additionally, the proposal aims to increase clarity and efficiency in the disability benefits process that the current regulations do not address.

9. Federal Standards: There are no applicable Federal Standards.

10. Compliance Schedule: Insurers, self-insured employers, and covered employers will need to comply with the proposed regulation when it is adopted.

**Regulatory Flexibility Analysis**

1. Effect of rule:

Small businesses and local governments will be affected by the rule when they are covered employers – they will need to comply with the proposal, including the updated disability benefits application process.

2. Compliance requirements:

All covered employers, including small business and local governments (that have opted in) will have to comply with an employer section on the disability benefits application, which must be filled out within three business days when an employee provides it. The proposed amendments update the application forms for disability benefits and create a new form that must be completed only if the decision on an application for disability benefits is not done within 18 days of receipt of a completed request for disability benefits, which affects all NYS disability benefits insurers, including small businesses as well as local governments that self-insure for disability benefits.

3. Professional services:

Small businesses and local governments should not need any new professional services to comply with this rule.

4. Compliance costs:

The proposed amendments are anticipated to reduce costs overall by making the disability benefits application process clearer and easier for claimants to use and provide carriers with clearer guidelines and requirements to follow to reduce disputes over claims and make claims processing more efficient.

5. Economic and technological feasibility:

It is economically and technologically feasible for small businesses and local governments to comply with the proposed amendments. The pro-

posal updates the disability benefits application process, but many of these changes align with PFL, so insurers already utilize any technology that might be required to comply with the proposal.

**6. Minimizing adverse impact:**

The implementation of the proposal is expected to curb confusion and the current regulations conflict with the statute in multiple places, which left outdated will lead to confusion. Additionally, the proposal aims to increase clarity and efficiency in the disability benefits process that the current regulations do not address.

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

The Board has solicited comments for the proposal on its website from all participants in the workers' compensation system, including small businesses and local governments.

The Board does not have a small employer or municipality database but has sent an electronic communication describing the proposal to the insurer and employer subscribers for Board updates on September 22, 2022.

**Rural Area Flexibility Analysis**

**1. Effect of Rule:**

Employers in rural areas will be affected by the rule when they are covered employers or insurers – they will need to comply with the proposal, including the updated disability benefits application process.

**2. Compliance Requirements:**

All covered employers, including rural employers, will have to comply with an employer section on the disability benefits application, which must be filled out within three business days when an employee provides it. The proposal also updates the application forms for disability benefits and creates a new form that, if sent to the claimant within 18 days of receipt of a completed claim, satisfies the obligation to send a notice of denial within 45 days of receipt of a completed claim.

**3. Professional Services:**

Rural employers should not need any new professional services to comply with this rule.

**4. Costs:**

The proposed amendments are anticipated to reduce costs overall by making the disability benefits application process clearer and easier for claimants to use and provide carriers with clearer guidelines and requirements to follow to reduce disputes over claims and make claims processing more efficient.

**5. Economic and Technological Feasibility:**

It is economically and technologically feasible for rural businesses to comply with the proposed amendments. The proposal updates the disability benefits application process, but many of these changes align with PFL, so insurers already utilize any technology that might be required to comply with the proposal.

**6. Minimizing Adverse Impact:**

The implementation of the proposal is expected to curb confusion and the current regulations conflict with the statute in multiple places, which left outdated will lead to confusion. Additionally, the proposal aims to increase clarity and efficiency in the disability benefits process that the current regulations do not address.

**7. Small Business and Local Government Participation:**

The Board has solicited comments for the proposal on its website from all participants in the workers' compensation system, including rural employers.

The Board does not have a rural employer database but has sent an electronic communication describing the proposal to the insurer subscribers for Board updates on September 22, 2022.

**Job Impact Statement**

A Job Impact Statement is not required because the proposal will not have any impact on jobs or employment opportunities. The proposal updates the application, approval and denial process for disability benefits, improves grammar and readability of the regulations, and brings them in line with existing statutory requirements and procedures.



**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-33-22-00004-P . . . . .	Amendments to the regulations (6 NYCRR Part 621) that implement ECL article 70 (Uniform Procedures Act) and related changes	Remote hearing by Webex event—October 20, 2022, 2:00 p.m.  Remote hearing by Webex event—October 20, 2022, 6:00 p.m.  The DEC will be conducting remote hearings by Webex as identified in item 5 on the Notice of Proposed Rule Making Form. Additional information regarding the hearings is available at <a href="https://www.dec.ny.gov/regulations/propregulations.html#public">https://www.dec.ny.gov/regulations/propregulations.html#public</a> , under the section for Proposed Amendments to 6 NYCRR 621, Uniform Procedures Act.
<b>Health, Department of</b>		
HLT-39-22-00020-P . . . . .	Early Intervention Program	NYS Convention Center, Meeting Rm. One, Empire State Plaza, Albany, NY—November 7, 2022, 11:00 a.m.
<b>Housing and Community Renewal, Division of</b>		
HCR-35-22-00004-P . . . . .	City rent and eviction regulations governing rent control in New York City	One Bowling Green, New York, NY—November 15, 2022, 10:00 a.m.  One Larkin Center, 2nd Fl., Yonkers, NY—November 15, 2022, 10:00 a.m.  1550 Franklin Ave., 1st Fl., Mineola, NY—November 15, 2022, 10:00 a.m.
HCR-35-22-00005-P . . . . .	Emergency tenant protection regulations regulating residential rents and evictions	One Bowling Green, New York, NY—November 15, 2022, 10:00 a.m.  One Larkin Center, 2nd Fl., Yonkers, NY—November 15, 2022, 10:00 a.m.  1550 Franklin Ave., 1st Fl., Mineola, NY—November 15, 2022, 10:00 a.m.
HCR-35-22-00006-P . . . . .	State rent and eviction regulations governing statewide rent control	One Bowling Green, New York, NY—November 15, 2022, 10:00 a.m.  One Larkin Center, 2nd Fl., Yonkers, NY—November 15, 2022, 10:00 a.m.  1550 Franklin Ave., 1st Fl., Mineola, NY—November 15, 2022, 10:00 a.m.
HCR-35-22-00007-P . . . . .	Rent stabilization code regulating residential rents and evictions	One Bowling Green, New York, NY—November 15, 2022, 10:00 a.m.  One Larkin Center, 2nd Fl., Yonkers, NY—November 15, 2022, 10:00 a.m.  1550 Franklin Ave., 1st Fl., Mineola, NY—November 15, 2022, 10:00 a.m.
<b>Lake George Park Commission</b>		
LGP-36-22-00006-P . . . . .	Addition of waste water management regulations within the Lake George Park.	Fort William Henry Hotel, Lake George, NY—November 9, 2022, 4:00 p.m.
<b>Liquor Authority, State</b>		
LQR-36-22-00001-P . . . . .	Minimum curriculum requirements for ATAP schools	163 W. 125th St., New York, NY—November 22, 2022, 10:00 a.m.
<b>Long Island Power Authority</b>		
LPA-37-22-00010-P . . . . .	Solar Communities Program	Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m.  H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.

LPA-37-22-00012-P .....	Authority’s small generator interconnection	<p>Refer to schedule on: <a href="http://www.lipower.org">www.lipower.org</a></p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.</p>
LPA-37-22-00013-P .....	Authority’s annual budget and retail rates	<p>Refer to schedule on: <a href="http://www.lipower.org">www.lipower.org</a></p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.</p>
LPA-37-22-00014-P .....	Large Renewable Host Community Benefit Program	<p>Refer to schedule on: <a href="http://www.lipower.org">www.lipower.org</a></p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.</p>
LPA-37-22-00015-P .....	Long Island Choice Program	<p>Refer to schedule on: <a href="http://www.lipower.org">www.lipower.org</a></p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.</p>
LPA-37-22-00016-P .....	Bill credits and food and medicine spoilage reimbursements during widespread prolonged outages	<p>Refer to schedule on: <a href="http://www.lipower.org">www.lipower.org</a></p> <p>Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—November 16, 2022, 2:00 p.m.</p> <p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—November 17, 2022, 10:00 a.m.</p>
<b>Public Service Commission</b>		
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)	<p>Teleconference—November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*</p> <p>*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 (<a href="http://www.dps.ny.gov">www.dps.ny.gov</a>) under Case 22-E-0317.</p>
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)	<p>Teleconference — November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*</p> <p>*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 (<a href="http://www.dps.ny.gov">www.dps.ny.gov</a>) under Case 22-G-0318.</p>
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)	<p>Teleconference — November 2, 2022 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*</p>

\*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-39-22-00009-P ..... Administration and enforcement of the Uniform Code and Energy Code by the Department of State

Department of State, 99 Washington Ave., Rm. 505, Albany, NY—November 30, 2022, 10:00 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-24-22-00012-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
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**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-33-22-00001-P	..... 08/17/23	Requirements for the establishment, incorporation and certification of providers of addiction services	To update outdated and stigmatizing language and to clarify processes of the certification process for providers and applicants

**BRIDGE AUTHORITY, NEW YORK STATE**

SBA-32-22-00020-P	..... 08/10/23	Amend the Authority's rules in relation to the hours of operation for bridge walkways and/or bikeways.	To regulate certain Authority activities on bridge walkways and/or bikeways.
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**CANNABIS MANAGEMENT, OFFICE OF**

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CANNABIS MANAGEMENT, OFFICE OF</b>			
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-33-22-00003-P	08/17/23	Limits on executive compensation	To remove the limits on executive compensation and administrative expenses
CFS-33-22-00010-P	08/17/23	Direct deposit for child care providers receiving child care assistance	To implement requirements of Section 390-c of the SSL, as amended by Chapter 650 of the Laws of 2021
CFS-36-22-00002-EP	09/07/23	Differential Response for Children Under Twelve (12) Years of Age	To establish a differential response program for children under twelve years of age
CFS-37-22-00003-EP	09/14/23	Updates provisions to reflect the enacted budget regarding child care assistance rates and work requirements.	To update provisions on child care assistance funded under the NYS Child Care Block Grant and Social Services Block Grant.
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-23-22-00008-P	06/08/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-23-22-00009-P	06/08/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-22-00010-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00011-P	06/08/23	Jurisdictional Classification	To classify a position in the exempt class
CVS-23-22-00012-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00013-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00014-P	06/08/23	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-23-22-00015-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00016-P	06/08/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-23-22-00017-P	06/08/23	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-23-22-00018-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00019-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class
CVS-23-22-00020-P	06/08/23	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
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
CVS-32-22-00001-P	08/10/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-32-22-00002-P	08/10/23	Jurisdictional Classification	To delete a position from and to classify positions in the non-competitive class
CVS-32-22-00003-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00004-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class and the non-competitive classes
CVS-32-22-00005-P	08/10/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-22-00006-P	08/10/23	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-32-22-00007-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class and the non-competitive classes
CVS-32-22-00008-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-32-22-00009-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00010-P	08/10/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-22-00011-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class and to delete positions from and to classify positions the non-competitive class
CVS-32-22-00012-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00013-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00014-P	08/10/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-22-00015-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-32-22-00016-P	08/10/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-22-00017-P	08/10/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-32-22-00018-P	08/10/23	Jurisdictional Classification	To classify positions in the exempt class and the non-competitive classes
CVS-41-22-00003-P	10/12/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-22-00004-P	10/12/23	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-41-22-00005-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-41-22-00006-P	10/12/23	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-41-22-00007-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-41-22-00008-P	10/12/23	Jurisdictional Classification	To delete a subheading and positions from and to add a subheading and classify positions in the exempt class
CVS-41-22-00009-P	10/12/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-22-00010-P	10/12/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-22-00011-P	10/12/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-41-22-00012-P	10/12/23	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-41-22-00013-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class and to classify positions from the non-competitive class
CVS-41-22-00014-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-41-22-00015-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class.
<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-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
CCS-39-22-00001-P	09/28/23	Closed Facilities	To repeal the rules establishing facilities that have closed



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<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”
CJS-32-22-00028-P	08/10/23	NYS Forensic Laboratory Accreditation Standards	To add ISO/IEC 17020 as a standard.
<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-32-22-00019-EP	08/10/23	Digital Gaming Media Production Tax Credit program	To create the administrative process for the program and conform to statute
EDV-37-22-00002-P	09/14/23	Empire State Film Production Tax Credit Program	To update the additional administrative process of this tax credit 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-17-22-00005-P	04/27/23	Continuing education (CE) requirements for psychologists, social workers and mental health practitioners	To require such professionals to complete three CE credits on issues related to maintaining appropriate professional boundaries
EDU-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-ERP	06/01/23	Implementing the Dominic Murray Sudden Cardiac Arrest Prevention Act	To implement the Dominic Murray Sudden Cardiac Arrest Prevention Act
EDU-26-22-00011-EP	06/29/23	Regents Examination in United States History and Government (Framework) for June 2022, August 2022, and January 2023	Provide flexibility so that students can meet the diploma requirements of the Regents Examination in US History
EDU-26-22-00012-EP	06/29/23	Providing flexibility regarding the administration of Regents examinations in mathematics and science in certain grades	To secure a waiver extension from the U.S. Department of Education of certain ESSA requirements by providing flexibility to schools and districts for administering Regents examinations in mathematics to grade 6 students and in science to grade 7 students
EDU-26-22-00013-EP	06/29/23	Requirements for the issuing of a special determination to graduate with a local diploma	To provide regulatory flexibility for students to graduate with a local diploma
EDU-26-22-00014-EP	06/29/23	Use of restricted local infiltration anesthesia/nitrus oxide analgesia by dental hygienists	To align the Commissioner’s regulations with Chapter 198 of the Laws of 2022, permitting dental hygienists to use local infiltration and nitrus oxide anesthetic modalities
EDU-26-22-00015-P	06/29/23	Implementation timeline for the Computer Science Statement of Continued Eligibility (SOCE)	To extend the implementation timelines for the Computer Science SOCE in response to the COVID-19 pandemic

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
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
EDU-39-22-00010-EP	09/28/23	Remote instruction and its delivery under emergency conditions and length of school days for approved school-age and preschool programs serving students with disabilities	To permit approved school-age and preschool programs serving students with disabilities to provide remote instruction on days they would otherwise close due to an emergency
EDU-39-22-00011-P	09/28/23	Appeals to the Commissioner of Education under Education Law § 310	To amend requirements
EDU-39-22-00012-EP	09/28/23	Laboratory experience required to take a science Regents examination	To permit students to satisfy laboratory requirement through a combination of hands-on and simulated laboratory experience
EDU-39-22-00013-P	09/28/23	Degree and experience requirements for college professors for the Tran G Certificate and the Individual Evaluation Pathway	To amend degree and experience requirements for college professors for the Traditional G certificate
EDU-39-22-00014-EP	09/28/23	Independent nurse practitioner practice	To implement Part C of Chapter 57 of the Laws of 2022
EDU-39-22-00015-EP	09/28/23	School Safety Plans	To conforms the regulations to the amendments made to Education Law § 2801-a by Chapter 227 of the Laws of 2022
EDU-39-22-00016-EP	09/28/23	Universal Prekindergarten Program (UPK) Staffing Qualifications	To conform the Commissioner’s regulations to Part A of Chapter 56 of the Laws of 2022
EDU-39-22-00017-EP	09/28/23	Execution by registered professional nurses of non-patient specific orders to administer COVID-19 and influenza tests.	To implement Part C of Chapter 57 of the Laws of 2022.
<b>ELECTIONS, STATE BOARD OF</b>			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE</b>			
ERD-37-22-00009-P	09/14/23	Appliance and Equipment Efficiency Standards	To establish Appliance and Equipment Efficiency Standards for products specified in Energy Law Section 16-104(1).
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-51-21-00003-P	04/07/23	Environmental Remediation Programs	To amend 6 NYCRR Part 375, Environmental Remediation Programs
ENV-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
ENV-32-22-00026-EP	08/10/23	To prohibit the possession of shortfin mako	To protect shortfin mako sharks which are overfished and experiencing overfishing
ENV-33-22-00004-P	10/20/23	Amendments to the regulations (6 NYCRR Part 621) that implement ECL article 70 (Uniform Procedures Act) and related changes	DEC is proposing the amendments as a general update to Part 621, with conforming changes to Parts 421 and 601
<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-RP	01/18/23	Disclosure requirements for certain providers of commercial financing transactions	To provide new disclosure rules for small business financings
DFS-44-21-00015-P	11/03/22	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
DFS-47-21-00006-RP	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-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
DFS-41-22-00021-P	10/12/23	Charges for Professional Health Services	To establish schedules of maximum permissible charges for professional health services payable as no-fault insurance benefits
<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
SGC-36-22-00003-P	09/07/23	Designation of substitute stewards.	To conform the substitute stewards rule to the current statute.
SGC-40-22-00009-P	10/05/23	The licensing and registration of gaming facility employees and vendors.	To govern the licensing and registration of gaming facility employees and vendors.
SGC-40-22-00010-P	10/05/23	Ineligible potential claimants in Thoroughbred claiming races.	To establish procedures for identifying ineligible claimants and resolving challenges to claims.
<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-RP	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-RP	11/17/22	Minimum Staffing Requirements for Nursing Homes	Requiring minimum staffing levels for nursing homes
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease
HLT-50-21-00003-EP	12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
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-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-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
HLT-39-22-00004-P	09/28/23	Repeal of Collection of Source Plasma	Repeal of Collection of Source Plasma
HLT-39-22-00018-P	09/28/23	Source Plasma Donation Centers	To distinguish source plasma donation centers as a separate regulatory entity from blood banks
HLT-39-22-00019-P	09/28/23	Private Duty Nursing (PDN) Services to Medically Fragile Adults	To increase PDN fee-for-service reimbursement for nursing services provided to medically fragile adults
HLT-39-22-00020-P	11/07/23	Early Intervention Program	To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification
HLT-40-22-00002-P	10/05/23	Maximum Contaminant Levels (MCLs)	To adopt Maximum Contaminant Levels (MCLs) for four (4) additional per- and polyfluoroalkyl substances (PFAS).
HLT-41-22-00016-P	10/12/23	Licensure and Practice of Nursing Home Administration	To clarify and update the nursing home administrator licensure program.

**HOUSING AND COMMUNITY RENEWAL, DIVISION OF**

HCR-35-22-00004-P	11/15/23	The City Rent and Eviction Regulations governing rent control in New York City.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00005-P	11/15/23	The Emergency Tenant Protection Regulations regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
HCR-35-22-00006-P	11/15/23	The State Rent and Eviction Regulations governing statewide rent control.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00007-P	11/15/23	The Rent Stabilization Code regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
<b>JUDICIAL CONDUCT, STATE COMMISSION ON</b>			
JDC-40-22-00008-P	10/05/23	Update of Definitions, pronouns, clarification of rules involving the work of the Commission; Commission hearings	To update Commission rules to reflect advances in technology and the use of non-gendered pronouns
<b>LABOR, DEPARTMENT OF</b>			
*LAB-34-21-00002-ERP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
*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
LAB-37-22-00004-P	09/14/23	Prevailing Wage for Aggregate Hauling	To clarify the application Labor Law § 220(3-a)(f)
LAB-41-22-00022-P	10/12/23	Minimum Wage Increase	To comply with Sections 652 and 673 of the Labor Law, by adopting minimum wage increases for farmworkers
LAB-41-22-00023-P	10/12/23	Minimum Wage Increases	To implement minimum wage increases pursuant to Labor Law 652(1)(c)
LAB-41-22-00024-P	10/12/23	Overtime Thresholds for Farm Laborers	To implement incremental reductions in overtime pay thresholds for farm laborers
<b>LAKE GEORGE PARK COMMISSION</b>			
LGP-36-22-00006-P	11/09/23	Addition of Waste Water Management Regulations within the Lake George Park	The proposed regulations are intended to protect the waters of Lake George from wastewater pollution
<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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-36-22-00001-P	11/22/23	Minimum curriculum requirements for ATAP schools	To add information regarding human trafficking awareness and prevention to minimum curriculum requirements for ATAP schools
<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-17-22-00012-P	exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
LPA-17-22-00014-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-37-22-00010-P	exempt	The Solar Communities Program	To provide bill savings benefits to customers participating in Solar Communities.
LPA-37-22-00012-P	exempt	The Authority's Small Generator Interconnection Procedures for Distributed Generators and/or Energy Storage Systems.	Alignment with New York's statewide cost sharing framework

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LONG ISLAND POWER AUTHORITY</b>			
LPA-37-22-00013-P	..... exempt	The Authority's annual budget and retail rates.	Implementation of the Authority's annual budget and corresponding rate adjustments.
LPA-37-22-00014-P	..... exempt	The Large Renewable Host Community Benefit Program.	To share the benefits of large renewable projects with host communities.
LPA-37-22-00015-P	..... exempt	Long Island Choice Program	To eliminate potential barriers to the retail choice market in Long Island.
LPA-37-22-00016-P	..... exempt	Bill credits and food and medicine spoilage reimbursements during widespread prolonged outages	To provide relief to customers who experience prolonged outages
<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-23-22-00021-P	..... 06/08/23	Relating to the certification, operation and reimbursement of clinic treatment programs serving adults and children	To align such program with the State Plan Amendment
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
MTA-16-22-00008-EP	..... 04/20/23	Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & its affiliates and subsidiaries	To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	..... 12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<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-40-21-00002-EP	10/06/22	Mandatory Face Coverings in OPWDD Certified Services	To protect public health
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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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 receivable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts receivable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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



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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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%
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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 and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service	To determine if approving the DPS Staff's recommendations is in the public interest

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-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-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest
*PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY	To address the proposed transfer and any matters within the public interest
*PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits
*PSC-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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*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-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-38-21-00007-P	..... exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
PSC-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-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-52-21-00006-P	..... exempt	Proposed tariff revisions to the Companies firm demand response programs for the 2021-2022 season	To effectuate more efficient firm gas demand response programs to gain operational efficiency and shave peak demand
PSC-01-22-00013-P	..... exempt	Interconnection costs	To consider a petition requesting relief from interconnection costs assigned by the interconnecting utility
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-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-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-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-18-22-00007-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



Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-20-22-00006-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-20-22-00008-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-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
PSC-21-22-00009-P	..... exempt	Initial Tariff Schedule, P.S.C. No. 1 - Water and waiver of rate setting authority	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-22-00010-P	..... exempt	Transfer of control of cable television franchises and systems	To consider whether the transfer of control of cable franchises is in the public interest
PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
PSC-22-22-00013-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
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-24-22-00006-P	..... exempt	The replacement of existing cellular antennas on a transmission tower	Whether authorizing the petition is in the public interest
PSC-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest
PSC-24-22-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-24-22-00009-P	..... exempt	The replacement of existing cellular antennas on a transmission tower	Whether authorizing the petition is in the public interest
PSC-25-22-00004-P	..... exempt	Electric metering equipment	To ensure that consumer bills are based on accurate measurements of electric usage
PSC-25-22-00005-P	..... exempt	Notice of intent to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-25-22-00006-P	..... exempt	The financial impacts of the COVID-19 pandemic	To consider measures to provide relief to those financially impacted by the COVID-19 pandemic
PSC-25-22-00007-P	..... exempt	Notice of intent to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
PSC-26-22-00009-P	..... exempt	Minor rate filing	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
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-28-22-00012-P	..... exempt	Transfer of real property.	To determine whether to authorize the transfer of real property.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-28-22-00015-P	..... exempt	Conditions for mitigating potential vertical market power risk.	To reconsider conditions imposed on the ownership of transmission and generation assets to mitigate vertical market power risk.
PSC-29-22-00005-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-29-22-00006-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-29-22-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-29-22-00008-P	..... exempt	The replacement of existing cellular antennas on a transmission tower.	Whether authorizing the petition is in the public interest.
PSC-29-22-00009-P	..... exempt	Area code overlay as relief of the exhausting 716 area code.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
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.
PSC-32-22-00021-P	..... exempt	The proposed transfer of facilities and real property interests associated with an electric corporation.	Consideration of whether the proposed transfer is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-32-22-00022-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-22-00023-P	..... exempt	Bioenergy generation in New York.	To consider compensation for bioenergy generation.
PSC-32-22-00024-P	..... exempt	The proposed transfer of real property interests associated with an electric corporation.	Consideration of whether the proposed transfer is in the public interest.
PSC-32-22-00025-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-32-22-00027-P	..... 08/10/23	Use of preferred name and pronouns.	To provide residential applicants and customers of utilities the option to use their preferred name and/or pronouns.
PSC-33-22-00005-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-33-22-00006-P	..... exempt	Use of gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
PSC-33-22-00007-P	..... exempt	PSC Regulations 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-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-22-00004-P	..... exempt	Clean Energy Standard administration.	To authorize the funding necessary for continued implementation of the Clean Energy Standard.
PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
PSC-34-22-00006-P	..... exempt	Pole attachment rates.	To provide just and reasonable pole attachment rates.
PSC-34-22-00007-P	..... exempt	Use of electric metering equipment.	To consider use of an electric meter, and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00008-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-36-22-00004-P	..... exempt	A petition for the transfer of utility property, granting of a CPCN, and lightened regulation.	To determine if it is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-36-22-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-37-22-00005-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-37-22-00006-P	..... exempt	Assessment of the need of the project for the provision of safe and adequate service at just and reasonable rates.	To determine whether the project is necessary and whether the utility can begin cost recovery through a surcharge mechanism.
PSC-37-22-00007-P	..... 09/14/23	Implementation of enhanced emergency contingency plans by telephone and cable companies, including storm response and credits.	To implement enhanced storm readiness and response by telephone and cable companies.
PSC-37-22-00008-P	..... 09/14/23	Technical amendments of state regulations and administrative corrections.	To make the provisions of natural gas service safer in New York State.
PSC-38-22-00002-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00003-P	..... exempt	A debt financing arrangement with respect to a proposed solar generation project.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-38-22-00005-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00006-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00007-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00008-P	..... exempt	Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.
PSC-38-22-00009-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00010-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-39-22-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-22-00007-P	..... exempt	Transfer of indirect ownership of cable television facilities and 27 municipal franchises.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-39-22-00008-P	..... exempt	Proposed service territory extension, waiver, and tariff revisions.	To determine if proposed territory extension, waiver, and tariff revisions are in the public interest.
PSC-40-22-00003-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-22-00004-P	..... exempt	Sale of real property and granting of a permanent easement.	To determine whether to authorize the proposed sale and grant the permanent easement as well as the proper accounting treatment.
PSC-40-22-00005-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities and the proper accounting treatment.
PSC-40-22-00006-P	..... exempt	NYSRC reliability rules and measurements.	To consider revisions to various rules and measurements of the NYSRC used to support safe and reliable electric service.
PSC-40-22-00007-P	..... exempt	Solutions to reduce the impact of traditional demand charges on commercial customers with significant EV charging demand.	To request that the Public Service Commission direct electric utilities to implement the enumerated EV charging solutions.
PSC-41-22-00018-P	..... exempt	Proposed revision to the Non-Wires Alternative Mechanism Surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-41-22-00019-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-22-00020-P	..... exempt	The proposed transfer of real property and other assets related to an electric generating facility.	To determine whether the proposed transfer is in the public interest.
<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
DOS-39-22-00009-P	..... 11/30/23	Administration and enforcement of the Uniform Code and Energy Code by the Department of State	To ensure the Department's administration and enforcement of the Uniform Code and Energy Code satisfies the minimum standards
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-34-22-00002-EP	..... 08/24/23	State University of New York Tuition and Fee Schedule	To amend the Tuition and Fees Schedule effective for the Fall 2022 semester.

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-34-22-00001-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 October 1, 2022 through December 31, 2022.
<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-39-22-00005-EP	..... 09/28/23	Standard Utility Allowances (SUAs) for the Supplemental Nutrition Assistance Program (SNAP)	These regulatory amendments set forth the federally-approved SUAs as of 10/1/22
<b>TRANSPORTATION, DEPARTMENT OF</b>			
TRN-18-22-00001-P	..... 05/04/23	Regulation of commercial motor carriers in New York State	To repeal or modify obsolete provisions, make technical changes, and implement non-discretionary statutory provisions
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-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-26-22-00002-P	..... 06/29/23	Pharmacy networks	To require carriers to notify pharmacies when there is a network
WCB-40-22-00011-P	..... 10/05/23	Attorney's fees	To conform regulations to WCL section 24 amendment taking effect 1/1/23
WCB-41-22-00002-P	..... 10/12/23	Disability benefits	To update and clarify DB claims process, and conform to statute





# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REBUILD/REPLACE

Existing SHU Walls/Fixtures  
Woodbourne Correctional Facility  
Woodbourne, Sullivan County

Sealed bids for Project Nos. 46111-C, 46111-H, 46111-P, and 46111-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Rebuild Existing SHU Walls, Replace Windows & Fixtures, Building No. 4, Woodbourne Correctional Facility, 99 Prison Rd, Woodbourne (Sullivan 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, October 19th 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 \$91,200 for C, \$21,300 for H, \$23,600 for P, and \$12,000 for E.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$3,000,000 and \$4,000,000 for C, between \$250,000 and \$500,000 for H, between \$250,000 and \$500,000 for P, and between \$100,000 and \$250,000 for E.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or

Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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 877 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on October 4th, 2022, Woodbourne Correctional Facility, 99 Prison Rd in Woodbourne, NY 12788. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Karen Flood (845) 434-0214, a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 2% for MWBE participation, 1% for Minority-Owned Business Enterprises ("MBE") participation and 1% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electric Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for

more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, 6% for the H trade contractor, and 6% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto:support@bidexpress.com), or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE

Department of State  
F-2022-0377

Date of Issuance – October 12, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at <https://dos.ny.gov/system/files/documents/2022/09/f-2022-0377.pdf>

In F-2022-0377 or the "Greenport Shipyard Project", the applicant – Greenport Yacht & Ship Building Company Inc. – proposes a ten year maintenance permit to repair and/or reconstruct all existing marine structures including the repair or replacement of bulkhead, fixed docks, floating docks, pilings, and railways in-kind, in-place as needed.

The proposed project will take place at 201 Carpenter Street in the village of Greenport, Suffolk County in Greenport Harbor. The purpose of this project is to request a 10 year maintenance to existing structures at this commercial waterfront shipyard.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 27, 2022.

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

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

## PUBLIC NOTICE

Department of State  
F-2022-0378

Date of Issuance – October 12, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at:

<https://dos.ny.gov/system/files/documents/2022/09/f-2022-0378a.pdf>  
<https://dos.ny.gov/system/files/documents/2022/09/f-2022-0378b.pdf>  
<https://dos.ny.gov/system/files/documents/2022/09/f-2022-0378c.pdf>  
<https://dos.ny.gov/system/files/documents/2022/09/f-2022-0378d.pdf>

In F-2022-0378 or the "Southern Mastic Beach Project", the applicant – the Town of Brookhaven – proposes to develop native salt marsh and maritime scrub-shrub/forest communities. Provide the public with safe access to the wetlands area (including the waterfront) via a walkway. Provide nature-based solutions to buffer future flooding for inland/upland residential communities which allows stormwater to drain more efficiently during precipitation impacts and minimizes wave run-up. Enhance and further connect critical fish and wildlife habitat.

The proposed project will take place at Riviera Drive in the town of Brookhaven, Suffolk County on Sheepen Creek and Pattersquash Creek. The purpose of this project is to restore and enhance the project area to include natural salt marsh ecosystem that will provide benefits to the Mastic peninsula from storm systems and improve the regional ecology.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 27, 2022.

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

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

## PUBLIC NOTICE

Department of State  
F-2022-0463

Date of Issuance – October 12, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at <https://dos.ny.gov/system/files/documents/2022/09/f-2022-0463.pdf>

In F-2022-0463 or the "Kingston Powerboat Association Project", the applicant – the Kingston Power Boat Association – proposes to construct a new seawall in front of the existing wood seawall bulkhead. The proposed steel sheet piles are to be driven approximately 15 feet below grade. The bulkhead will include the installation of eight tiebacks.

The proposed project will take place at 370 Abeel Street in the city of Kingston, Ulster County on Rondout Creek. The purpose of this project is to replace the existing bulkhead to reduce erosion and sink holes.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, October 27, 2022.

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

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

## PUBLIC NOTICE

Department of State

F-2022-0481

Date of Issuance – October 12, 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-2022-0481, the applicant, George Stephens, is proposing to raise shoreline by 2', install sheet pile above high-water elevation to retain added soil, and place riprap on the waterward side of sheet pile; install an 8'x100' floating dock supported by 6" steel posts; install a 25'x20' boat ramp consisting of a large stone base and a small stone cover; and dredge approx. 540 cubic yards from an area for the boat ramp and floating dock and approx. 34 cubic yards from the end of drainage swale. This project is located at 21465 Nindl Lane, Town of Alexandria, Jefferson County, St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/10/f-2022-0481app.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):

- Town of Alexandria Local Waterfront Revitalization Program: <https://dos.ny.gov/location/village-alexandria-bay-and-town-alexandria-local-waterfront-revitalization-program>

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 November 11, 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-2022-0595

Date of Issuance – October 12, 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-2022-0595, The Town of Brookhaven proposes to remove the bulkhead and wood pilings and a construct a living shoreline with stone sill will be constructed in its place. Re-establishment of the tidal wetland will be conducted on the 3 empty lots located along S Breeze Drive, which will also increase bioretention and allow for increased stormwater treatment. The two direct discharges will be eliminated and stormwater will be re-routed through new green infrastructure before flowing into the Bay at S Breeze Drive in the Town of Brookhaven, Suffolk County on the Patchogue Bay.

The purpose is to improve the overall health of the Patchogue Bay, which is an impaired waterbody, improve resiliency, and re-establish the natural habitat.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/10/f-2022-0595-consistcert-brookhaven.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): Great South Bay Significant Coastal Fish and Wildlife Habitat: [https://dos.ny.gov/system/files/documents/2020/03/great\\_south\\_bay\\_east.pdf](https://dos.ny.gov/system/files/documents/2020/03/great_south_bay_east.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 November 11, 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-2022-0598

Date of Issuance – October 12, 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-2022-0598, Mary D'Angelo proposes to install a 60' steel sheet wall in place of current failing railroad tie wall. Install a 6' x 40' steel constructed dock on Port Bay at 7818 South Maple Road, Town of Wolcott, Wayne County.

The stated purpose of the project is to protect shoreline and to gain safe water access to enjoy waterfront.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/10/f-2022-0598-consistcert-d'angelo.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): Port Bay Significant Coastal Fish and Wildlife Habitat: [https://dos.ny.gov/system/files/documents/2020/03/port\\_bay.pdf](https://dos.ny.gov/system/files/documents/2020/03/port_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 November 11, 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-2022-0606

Date of Issuance – October 12, 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-2022-0606, The Cotswold, LLC proposes to construct a 3' x 15 ramp off the existing bulkhead leading to a 6' x 20 float going straight out. The float is proposed to be chocked 24" off the bottom. (4) 8" diameter piles are proposed to support the float. (4) 8" diameter mooring piles are proposed 8' off the float, (2) off each side of the float. The ramp and float are proposed to be seasonal at 40 Ocean Avenue, Quogue on the Quogue Canal in the Town of Southampton, Suffolk County.

The stated purpose of the proposed action is to provide recreational mooring.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/10/f-2022-0606-consistcert-cotswolds.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: The Shinnecock Bay Significant Coastal Fish and Wildlife Habitat: [https://dos.ny.gov/system/files/documents/2020/03/shinnecock\\_bay.pdf](https://dos.ny.gov/system/files/documents/2020/03/shinnecock_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 November 11, 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-2022-0689 (DA)

Date of Issuance – October 12, 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 United States Coast Guard has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

U.S. Coast Guard is planning a major maintenance and repair project for the Sector Field Office (SFO) Moriches facility located in East Moriches, NY. The project will include upgrades to the mechanical, electrical, telecommunications and fire protection systems within the Multi- Mission Building and Boathouse interiors. Site work involves the exterior installation of a new electrical transformer, backup generator, propane tank, fire suppression line and Ground Source Heat Pump (GSHP) system. The GSHP system will replace the existing fuel oil-fired boiler used for heating.

The applicant's consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2022/10/f-2022-0689\(da\)coastguard.pdf](https://dos.ny.gov/system/files/documents/2022/10/f-2022-0689(da)coastguard.pdf)

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 from the date of publication of this notice, or, November 11, 2022.

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

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

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0417 Matter of di Domenico + Partners, LLP, 3743 Crescent Street, Third Floor, Long Island City, NY, 11101, for a variance concerning safety requirements, including replacement of existing stairs. Involved is an existing transit station, known as the 85th St – Forest Pkwy Station on the Jamaica Line, located in the Borough of Queens, City of New York, State of New York.

2022-0418 Matter of di Domenico + Partners, LLP, 3743 Crescent Street, Third Floor, Long Island City, NY, 11101, for a variance concerning safety requirements, including replacement of existing stairs. Involved is an existing transit station, known as the 75th St – Elderts Lane Station on the Jamaica Line, located in the Borough of Brooklyn, City of New York, State of New York.

2022-0419 Matter of di Domenico + Partners, LLP, 3743 Crescent Street, Third Floor, Long Island City, NY, 11101, for a variance concerning safety requirements, including replacement of existing stairs. Involved is an existing transit station, known as the Cypress Hills Station on the Jamaica Line, located in the Borough of Brooklyn, City of New York, State of New York.

2022-0450 Matter of Alexander Napoli of STV, Inc., 225 Park Avenue South, New York, NY 10003, for a variance concerning safety requirements, including egress width and exhaust discharge. Involved is an existing transit station, known as the East 149th Street Station, located at East 149th St. and Southern Boulevard in the City of New York, Borough of Bronx, County of Bronx, State of New York.

2022-0451 Matter of Alexander Napoli of STV, Inc., 225 Park Avenue South, New York, NY 10003, for a variance concerning safety requirements, including egress width and exhaust discharge. Involved is an existing transit station, known as the Grand Street Station, located at Grand Street and Bushwick Avenue, City of New York, Borough of Brooklyn, County of Kings, State of New York.

2022-0454 Matter of Alexander Napoli of STV, Inc., 225 Park Avenue South, New York, NY 10003, for a variance concerning safety requirements, including ceiling height, egress width and mechanical exhaust systems. Involved is an existing transit station, known as the 7th Avenue Station, located at 7th Avenue and 9th Street in the City of New York, Borough of Brooklyn, County of Kings, State of New York.

2022-0455 Matter of Alexander Napoli of STV, Inc., 225 Park Avenue South, New York, NY 10003, for a variance concerning safety requirements, including means of egress and exhaust discharge. Involved is an existing transit station, known as the Lorimer Station, located at Metropolitan Avenue and Lorimer Street in the City of New York, Borough of Brooklyn, County of Kings, 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.

2022-0515 Matter of Long Island Perfect Permits, Chris Ross, 124 Front St., Suite 205, Massapequa Park, NY 11762, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 140 Volta Street, Copiague, Town of Babylon, NY 11726, County of Suffolk, State of New York.

2022-0517 Matter of Peter S. Kowalevich, 10 Parkway Blvd., Ronkonkoma, NY 11779, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 10 Parkway Blvd., Ronkonkoma, Town of Islip, NY 11779, County of Suffolk, State of New York.