
NEW YORK STATE
REGISTER

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Executive Orders

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

For notices published in this issue:

- the 60-day period expires on January 8, 2023
- the 45-day period expires on December 24, 2022
- the 30-day period expires on December 9, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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NYS Department of State
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99 Washington Avenue
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Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

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RULE MAKING ACTIVITIES

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.

Office of Alcoholism and Substance Abuse Services

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Office of Alcoholism and Substance Abuse Services publishes a new notice of proposed rule making in the *NYS Register*.

Provision of Problem Gambling Treatment and Recovery Services

I.D. No.	Proposed	Expiration Date
ASA-42-21-00010-P	October 20, 2021	October 20, 2022

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Requirements for the Establishment, Incorporation and Certification of Providers of Addiction Services

I.D. No. ASA-33-22-00001-RP

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

Proposed Action: Amendment of Part 810 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 19.07(c), (e), 19.09(b), 19.20, 19.20-a, 19.21(b), (d), 19.40, 32.01, 32.05, 32.07(a), 32.09, 32.21, 32.29, 32.31; Business Corporation Law, section 406; Not-For-Profit Corporation Law, section 404(u); Protection of People with Special Needs Act (L. 2012, ch. 501)

Subject: Requirements for the establishment, incorporation and certification of providers of addiction services.

Purpose: To update language, clarify the certification process, and remove language related to federally operated programs.

Substance of revised rule (Full text is posted at the following State website: oasas.ny.gov/legal): 810.1 Background and Intent: Updates to outdated terminology.

810.2 Legal base: Updates to outdated terminology. Removed references to federal regulations no longer needed.

810.3 Applicability: Updates to outdated terminology.

810.4 Definitions: Updates to outdated terminology and revised definitions.

810.5 Applications requiring full review: Updates to outdated terminology.

810.7 Standards for approval of an application requiring full or administrative review: Clarification of ownership and management requirements to align with agency practice.

810.8 Full review process: Updates to outdated terminology and clarification of timeframes.

810.9 Administrative Review Process: Updates to outdated terminology and clarification of timeframes.

810.10 Actions requiring prior approval: Updates to outdated terminology and clarification of ownership requirements.

810.12 Criteria and procedures for approval of management contracts: Updates to outdated terminology.

810.13 Certification: Clarification of requirements, updates to outdated terminology, and inclusion of a provisional operating certificate.

810.14 Inspection and reviews: Updates to outdated terminology and clarification of requirements.

810.15 Suspension, revocation or limitation of operating certificates: Updates to outdated terminology and inclusion of the provision for a temporary operator.

810.18 Indian health services programs: Removed.

810.19 Severability: Renumbered

Revised rule compared with proposed rule: Substantial revisions were made in sections 810.7(h)(viii) and 810.18.

Text of revised proposed rule and any required statements and analyses may be obtained from Kelly Grace, Office of Addiction Services and Supports, 1450 Washington Avenue, Albany NY 12203, (518) 485-2312, email: kelly.grace@oasas.ny.gov

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

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

Revised Regulatory Impact Statement

1. Statutory Authority:

(a) Section 19.07(c) of the Mental Hygiene Law (MHL) charges the Office with the responsibility for ensuring that persons in need of addiction services, care and treatment receive services of high quality and effectiveness and that the personal and civil rights of persons seeking and receiving such services are adequately protected.

(b) Section 19.07(e) of the MHL authorizes the Commissioner to adopt standards including necessary rules and regulations pertaining to addiction treatment services.

(c) Section 19.09(b) of the MHL authorizes the Commissioner to adopt regulations necessary and proper to implement any matter under their jurisdiction.

(d) Section 19.20 of the MHL requires review of criminal history information review concerning certain prospective employees and volunteers of providers of services certified, operated or otherwise authorized by the office.

(e) Section 19.20 -a of the MHL authorizes the Office to receive criminal history information from the Division of Criminal Justice Services related to persons seeking to be credentialed or applicants for an operating certificate issued by the office that will have regular and substantial unsupervised or unrestricted contact with patients/clients.

(f) Section 19.21(b) of the MHL requires the [c]Commissioner to establish and enforce regulations concerning the licensing, certification, inspection and treatment standards of addiction treatment services.

(g) Section 19.21(d) of the MHL requires the office to establish reasonable performance standards for providers of services certified by the Office.

(h) Section 19.40 of the MHL authorizes the Commissioner to issue operating certificates for the provision of addiction treatment services, including the authority to waive regulatory requirements.

(i) Section 32.01 of the Mental Hygiene Law authorizes the Commissioner to adopt any regulation reasonably necessary to implement and effectively exercise the powers and perform the duties conferred by Article 32 of the Mental Hygiene Law.

(j) Section 32.05 of the MHL provides that no substance use disorder services may be established without an Operating Certificate issued by the commissioner.

(k) Section 32.07(a) of the MHL authorizes the Commissioner to adopt regulations to effectuate the provisions and purposes of article 32 of the MHL.

(l) Section 32.09 of the MHL contains criteria that the Commissioner must consider when issuing an operating certificate.

(l) Section 32.20 of the MHL authorizes the Commissioner to appoint a Temporary Operator.

(m) Section 32.21 of the MHL provides the Commissioner with the authority to suspend, revoke or limit operating certificates and imposition of fines.

(n) Section 32.29 of the MHL authorizes the Commissioner to approve the construction of a facility for which an operating certificate will be issued.

(o) Section 32.31 of the MHL provides the process for the establishment or incorporation of facilities for addiction services.

(p) Section 406 of the Business Corporation Law requires any corporation which intends to establish or operate a program of services for services to obtain the approval of the Commissioner as to the proposed filing of its certificate of incorporation.

(q) Section 404(u) of the Not-For-Profit Corporation Law gives the Commissioner the responsibility of approving the certificate of incorporation of any corporation which intends to establish or operate an addiction program Certified by the Office.

(r) The Protection of People with Special Needs Act (Chapter 501 of the Laws of 2012) establishes the Justice Center for the Protection of People with Special Needs (Justice Center) and requires criminal information history reviews of all applicants for authorization to operate a program of services for addiction; and of all employees, contractors, or volunteers of such certified program who will have the potential for, or may be permitted, regular and substantial unsupervised or unrestricted physical contact with the patients or clients of in such programs.

(s) 42 CFR 431.110 relates to federal requirements that New York State's Medicaid State Plan provide for the acceptance of Indian Health Services facilities as a Medicaid provider on the same basis as any other qualified provider.

2. Legislative Objectives: Part 810 (Establishment, Incorporation and Certification) was revised at this time because it contained outdated and unnecessary terminology, and needed to be revised to as to better reflect current practice in the Agency. The objectives in making these edits were to make the certification process more clear to providers in order to provide safe, effective, and efficient addiction support programs that reflect the needs of the clients. By making the requirements more clear to providers and prospective providers, it should be easier for providers and prospective providers to comply with the standards set forth in the regulations in creating and maintaining quality programs.

3. Needs and Benefits: OASAS is updating the language used in this regulation consistent with amendments made to other OASAS regulations. These updates include using less stigmatizing and more person centered terminology, using gender neutral language, updating the name of the Agency, and updating outdated definitions. Other amendments made were specifically to clarify certification requirements, and to include statutory language that has been added and/or updated since the time that the regulation was last updated. Standards for approving a certification application for full or administrative review was updated to clarify the policy requirement that 10% of the owners or principals or board members of an applicant program must have substantial experience directly providing or managing substance use disorder treatment services, as determined by the office. The reason for this clarification is that it is essential for an applicant to demonstrate that there is sufficient knowledge within the ownership and management of an applicant to successfully implement substance use disorder services. These criteria by which this will be reviewed is currently drafted as "guidance" for applicants. This section also includes language to clarify the requirements that must be met by an applicant, as well as provides for the inclusion of gender neutral facilities.

Previously there were several references to "a reasonable time" in the regulation in relation to certain steps of the applicant approval process. Definitions for these time frames were clarified in the regulation so as to align with current practice of the agency. A "provisional certification" was included in the types of operating certificates issued by the office to allow for a provisional certificate to be issued to an applicant by the Commissioner. The requirement that an additional location must be operated in the same or contiguous county as the original was eliminated to align with other OASAS regulations.

The Inspection and Review section of the regulation was amended to clarify the requirements for providers. A provision for appointment of a Temporary Operator was also included in the amended regulation, as it was a statutory provision added to the mental hygiene law in the time since the regulation was last updated. The authority for this comes from Section 32.20 of the Mental Hygiene law, and the regulation simply includes the requirements in the law.

In response to a public comment, an exception has been added to the requirement that all boards have members that have substantial experience with substance use disorder treatment. Hospitals licensed under Article 28 of the Public Health Law would be exempt as meeting Article 28 requirements ensures the intent of this requirement is met.

4. Costs: No additional administrative costs to the State, agency, local governments or regulated parties are anticipated.

5. Paperwork: There is no additional paperwork beyond what is already required.

6. Local Government Mandates: There are no new local government mandates.

7. Duplications: This proposed rule does not duplicate, overlap, or conflict with any State or federal statute or rule.

8. Alternatives: The alternative is to leave the regulation as it currently reads, with language inconsistent across Title 14 regulations and out of date terminology. To remove any inconsistencies and potential confusion among providers, this alternative was deemed unacceptable.

9. Federal Standards: This regulation does not conflict with federal standards. A section of the regulation is being removed as it pertains to federally operated facilities that are governed by federal law.

10. Compliance Schedule: This rulemaking will be effective upon publication of a Notice of Adoption in the State Register.

Revised Regulatory Flexibility Analysis

OASAS has determined that the rule will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments because the amended regulation does not impose any new requirements on providers or applicants beyond what is already required by the office. The amendments only update outdated and stigmatizing language, clarify certification process requirements to align with practice, and remove language related to federally operated programs already governed by Federal law.

Revised Rural Area Flexibility Analysis

OASAS has determined that the rule will not impose any adverse impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas because the amended regulation does not impose any new requirements on providers or prospective applicants beyond what the office already requires. The amendments only update outdated and stigmatizing language, clarify certification process requirements to align with practice, and remove language related to federally operated programs already governed by Federal law.

Revised Job Impact Statement

OASAS is not submitting a Job Impact Statement for this rulemaking. OASAS does not anticipate a substantial adverse impact on jobs and employment opportunities because the amended regulation does not impose any new employment or training requirements on applicants or providers of services. The amendments only update outdated and stigmatizing language, clarify certification process requirements to align with practice, and remove language related to federally operated programs already governed by Federal law.

Assessment of Public Comment

Public comment: Requiring that boards of programs co-licensed with DOH Article 28 facilities (hospitals) have members with substantial substance use disorder treatment experience will be challenging.

Agency response: The intent of the Regulation is to ensure that Board membership includes individuals with experience in the field of addiction treatment as part of the board's duties of strategic planning and oversight of OASAS Certified Programs. For hospital-based programs, which are co-licensed under Article 28 of the Public Health Law, OASAS accepts that requiring members to have specific experiences, on top of other regulatory, field, and practical requirements on the board, is challenging. OASAS acknowledges that these programs most likely have medical

professionals on their boards and that they can readily access those with substantial substance use disorder treatment experience, meeting the intent of the requirement. To that end, OASAS has exempted programs co-licensed with Article 28 facilities approved by DOH.

New York State Bridge Authority

NOTICE OF ADOPTION

Amend the Authority’s Rules in Relation to the Hours of Operation for Bridge Pedestrian Walkways and/or Bikeways

I.D. No. SBA-32-22-00020-A

Filing No. 872

Filing Date: 2022-10-24

Effective Date: 2022-11-09

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

Action taken: Amendment of section 205.4 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 528(2), 538(1); Vehicle and Traffic Law, section 1630

Subject: Amend the Authority’s rules in relation to the hours of operation for bridge pedestrian walkways and/or bikeways.

Purpose: To regulate certain Authority activities on bridge pedestrian walkways and/or bikeways.

Text or summary was published in the August 10, 2022 issue of the Register, I.D. No. SBA-32-22-00020-P.

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

Text of rule and any required statements and analyses may be obtained from: Patricia J. Desnoyers, Thruway Authority, 200 Southern Boulevard, Albany, NY 12209, (518) 471-4237, email: patricia.desnoyers@thruway.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The New York State Bridge Authority’s (Authority) proposed revisions to 21 NYCRR Part 205.4 relate to the desired, safe, and efficient use of the Authority’s bridge walkways and bikeways for mobility and recreational purposes. The proposed regulation would allow the Authority to expand and set specific hours of operation at each bridge’s walkway and bikeway, based on the unique needs of each facility.

The Authority proposed revisions to Part 205.4 on August 10, 2022 and the public comment period closed at 5:00 P.M. on October 11, 2022. The Department received written comments from five (5) commenters on the proposed revisions to Part 205.4. These comments have been reviewed and summarized by the Authority.

Comment 1: The dawn-to-dusk curfew for the Newburgh-Beacon Bridge multi-use pathway should be rescinded. The pedestrian and bike pathway is an important economic lifeline for residents in Newburgh and the Hudson Valley, and it provides a vital link to important transit services, including the Metro-North train and buses. (Commenters 1,2,3,4,5)

Response to Comment 1: Thank you for your comment.

Comment 2: The restriction of movement imposed by closing the Newburgh-Beacon Bridge pathway falls disproportionately along racial and class sectors. In a city of 28,000 people, 25% live below the poverty line and 30% do not own a car. Besides the limited bus shuttle service, this workforce is forced to pay for a taxi or similar mode of transportation. The ferry service operates only during weekday rush hours. (Commenters 1,4,5)

Response to Comment 2: Thank you for your comment.

Comment 3: Walking and bicycling are modes of transportation encouraged by the State as healthier and greener, and they are part of the goal to achieve more climate-resilient cities. Keeping the pathways open will help achieve this goal. (Commenters 1,3,4,5)

Response to Comment 3: Thank you for your comment.

Comment 4: The amendment is important for the wellbeing of small businesses, the workforce and the economic vitality of the region. It allows the Authority to revise the hours of operation to accommodate the people working and living in the regions. (Commenters 1,3,4,5)

Response to Comment 4: Thank you for your comment.

Comment 5: The amendment is in alignment with the Orange County Complete Streets Policy and the Orange County Comprehensive Plan which supports building accessible non-motorized networks and reducing vehicular miles traveled. (Commenter 2)

Response to Comment 5: Thank you for your comment.

Comment 6: Critical public infrastructure like the multi-modal pathway, directly contributes to the vision to provide a transportation system that will enhance the community quality of life for Orange County residents and visitors, with a focus on providing robust inter- and intra-county transportation alternatives. (Commenters 2,3)

Response to Comment 6: Thank you for your comment.

Comment 7: The cities of Newburgh and Beacon have active bicycling communities. An effort is underway to create a bike trail that includes sections of both cities and crosses the Newburgh-Beacon Bridge. Both cities have unique shopping and restaurants that will be better accessed by expanded hours at the Bridge. (Commenter 4)

Response to Comment 7: Thank you for your comment.

Comment 8: I use the walking/cycling path on the bridge multiple times a week to visit friends, restaurants, businesses, and for extensive cycling tours. My bicycle is equipped with lights and flashers for night use, and it is extremely frustrating to be prevented from using this this means of transportation to conduct such trips during night-time due to the curfew on the Newburgh Beacon Bridge. Unforeseen events, e.g. flats, minor accidents, and an unavoidable detour may delay arrival at the Newburgh-Beacon Bridge until after the start of the curfew. (Commenter 5)

Response to Comment 8: Thank you for your comment.

Commenter #1: City of Newburgh Transportation Advisory Committee

Commenter #2: Orange County Department of Planning

Commenter #3: Orange County Transportation Council

Commenter #4: Anthony Grice, Councilman-at-Large, City of Newburgh

Commenter #5: Peter Unterweger

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-22-00008-A

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00008-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-22-00009-A

Filing No. 849

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00009-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-22-00010-A

Filing No. 853

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00010-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-22-00011-A

Filing No. 859

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00011-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-22-00012-A

Filing No. 866

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00012-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-22-00013-A

Filing No. 862

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00013-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-23-22-00014-A

Filing No. 852

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00014-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-23-22-00015-A**Filing No.** 867**Filing Date:** 2022-10-21**Effective Date:** 2022-11-09

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the exempt class.**Text or summary was published** in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00015-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-23-22-00016-A**Filing No.** 863**Filing Date:** 2022-10-21**Effective Date:** 2022-11-09

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify a position in the non-competitive class.**Text or summary was published** in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00016-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-23-22-00017-A**Filing No.** 855**Filing Date:** 2022-10-21**Effective Date:** 2022-11-09

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

Action taken: Amendment of Appendix 2 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To delete positions from and to classify positions in the non-competitive class.**Text or summary was published** in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00017-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-23-22-00018-A**Filing No.** 860**Filing Date:** 2022-10-21**Effective Date:** 2022-11-09

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the exempt class.**Text or summary was published** in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00018-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-23-22-00019-A**Filing No.** 864**Filing Date:** 2022-10-21**Effective Date:** 2022-11-09

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the exempt class.**Text or summary was published** in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00019-P.**Final rule as compared with last published rule:** No changes.**Text of rule and any required statements and analyses may be obtained from:** Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov**Assessment of Public Comment**

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification****I.D. No.** CVS-23-22-00020-A**Filing No.** 850**Filing Date:** 2022-10-21**Effective Date:** 2022-11-09

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.**Statutory authority:** Civil Service Law, section 6(1)**Subject:** Jurisdictional Classification.**Purpose:** To classify positions in the exempt class.**Text or summary was published** in the June 8, 2022 issue of the Register, I.D. No. CVS-23-22-00020-P.**Final rule as compared with last published rule:** No changes.

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

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

Filing No. 857

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. CVS-28-22-00001-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-28-22-00002-A

Filing No. 858

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. CVS-28-22-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-28-22-00003-A

Filing No. 865

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. CVS-28-22-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-28-22-00004-A

Filing No. 854

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. CVS-28-22-00004-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

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

Filing No. 856

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. CVS-28-22-00005-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

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

Filing No. 861

Filing Date: 2022-10-21

Effective Date: 2022-11-09

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

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

Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To classify positions in the exempt class and to classify a position in the non-competitive class.
Text or summary was published in the July 13, 2022 issue of the Register, I.D. No. CVS-28-22-00006-P.
Final rule as compared with last published rule: No changes.
Text of rule and any required statements and analyses may be obtained from: Jennifer Paul, NYS Department of Civil Service, Empire State Plaza, Agency Building 1, Albany, NY 12239, (518) 473-6598, email: commops@cs.ny.gov
Assessment of Public Comment
 The agency received no public comment.

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

Jurisdictional Classification

I.D. No. CVS-45-22-00001-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Executive Department under the subheading "Office of Information Technology Services," by adding thereto the positions of Business Relationship Manager 1 (3), Business Relationship Manager 2 (3) and Equal Opportunity Specialist 2 (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-45-22-00002-P

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

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

Statutory authority: Civil Service Law, section 6(1)
Subject: Jurisdictional Classification.
Purpose: To classify a position in the exempt class.
Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Department of Transportation, by adding thereto the position of Administrative Assistant.
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-45-22-00003-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 Corrections and Community Supervision under the subheading "State Board of Parole," by increasing the number of positions of Supervising Hearing Officer (Parole Revocation) 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-45-22-00004-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 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 increasing the number of positions of Administrative Assistant from 1 to 2, Assistant Counsel from 19 to 22, Associate Counsel from 1 to 2 and Special Assistant from 19 to 20.

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-45-22-00005-P

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

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

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

Subject: Jurisdictional Classification.

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

Text of proposed rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Mental Hygiene under the subheading "Office for People with Developmental Disabilities," by adding thereto the positions of Developmental Disabilities Operations Director 3 (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-45-22-00006-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 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 Health under the subheading "Helen Hayes Hospital," by adding thereto the positions of Nursing Assistant (Certified).

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-45-22-00007-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 a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Division of Alcoholic Beverage Control," by increasing the number of positions of Special Assistant from 4 to 5.

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-45-22-00008-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 position from 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 Westchester County under the subheading "Department of Human Resources," by deleting therefrom the position of Commissioner of Human Resources.

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-45-22-00009-P

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

Proposed Action: Amendment of Appendices 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 Education Department, by adding thereto the position of Manager Information Services; and

Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Education Department, by increasing the number of positions of Museum Scientist 3 from 9 to 10 and by adding thereto the position of Education Program Manager 2 (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-45-22-00010-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 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 Westchester County under the subheading "All Departments," by deleting therefrom the positions of Public Administration Intern (not to exceed a total of 12) (not to exceed one year) and by adding thereto the positions of Public Administration Intern (not to exceed one year) (24).

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-45-22-00011-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 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 Information Technology Services," by deleting therefrom the positions of Assistant Director; Director Affirmative Action Programs; Program Manager and by decreasing the number of positions of Program Associate from 11 to 8 and Special Assistant from 33 to 30 and, in the Executive Department under the subheading "Office of General Services," by adding thereto the positions of Assistant Director; Program Associate (3); Program Manager and by increasing the number of positions of Special Assistant from 23 to 26.

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-45-22-00012-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 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 Westchester County under the subheading "Department of Information Technology," by increasing the number of positions of Deputy Chief Information Officer from 1 to 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-45-22-00013-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class and to delete from 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 General Services,” by increasing the number of positions of Executive Facilities Assistant from 7 to 30; 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 General Services,” by deleting therefrom the positions of Convention and Arts Center Operations Coordinator (5) and Curatorial and Visitor Services Specialist 1 (6) and by adding thereto the positions of Convention and Arts Center Operations Coordinator and Curatorial and Visitor Services Specialist 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-45-22-00014-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt and non-competitive classes.

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 Employee Relations,” by adding thereto the positions of Manager Equal Opportunity Compliance (15); 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 Employee Relations,” by adding thereto the positions of Equal Opportunity Specialist 1 (Compliance), Equal Opportunity Specialist 2 (Compliance) and Equal Opportunity Specialist 3 (Compliance).

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-45-22-00015-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 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 Labor under the subheading “Workers’ Compensation Board,” by adding thereto the position of Data Analyst 3 (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-45-22-00016-P

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text of proposed rule: Amend Appendix 1 of the Rules for the Classified Service, listing positions in the exempt class, in the Executive Department under the subheading "Office for the Aging," by adding thereto the position of Associate Counsel.

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 Corrections and Community Supervision

EMERGENCY RULE MAKING

Disposition for Violations of the Conditions of Release

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

Filing No. 868

Filing Date: 2022-10-21

Effective Date: 2022-10-21

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

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

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

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

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

Subject: Disposition for violations of the conditions of release.

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

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

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

The Board proposes changes to 9 N.Y.C.R.R. Part 8005, which addresses parole revocation hearings and the dispositions therefrom. Amendments to 9 N.Y.C.R.R. sections 8005.7 and 8005.19 are included to reflect a change in the burdens of proof to preponderance of the evidence and clear and convincing evidence at the preliminary and final revocation hearings, respectively. The Board is also proposing changes to 9 N.Y.C.R.R. sections 8005.6 and 8005.17, which concern the scheduling of preliminary and final hearings respectively. These revisions accommodate the changes

made by the legislation to the parole revocation process timeline including the timeframe in which these hearings are to be arranged, and they also address the location of such hearings which in cases where the alleged violator is not in custody is presumptively to be a courthouse, except that where a courthouse is not reasonably available, then another location, such as an office that is not a correctional facility, may serve as the hearing site. The Board proposes the repeal and replacement of 9 N.Y.C.R.R. section 8005.3, to have new content addressing revocation hearings generally, whereas more ministerial and miscellaneous amendments are proposed for 9 N.Y.C.R.R. sections 8005.2, 8005.4, 8005.5, 8005.15, and 8005.16. Amendment to 9 N.Y.C.R.R. section 8005.18 is proposed to fully complement the notice requirements concerning the final revocation hearings.

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. CCS-08-22-00007-EP, Issue of February 23, 2022. The emergency rule will expire December 19, 2022.

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

Regulatory Impact Statement

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

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

3. **Needs and Benefits:** Executive Law § 259-i(3) establishes the basic parameters and due process rights associated with the parole revocation process, including the range of available dispositions. The Board has implemented these statutory provisions in Parts 8002, 8004 and 8005 of Title 9 of the NYCRR. The administrative appeal of the resulting adjudications is governed by section 259-i(4) of the Executive Law and imple-

mented in Part 8006 of Title 9 of the NYCRR. The purpose of these rules is to provide for the substantive procedure applicable to a releasee accused of a violation of the conditions of release and to provide notice to such releasee of such procedure and its consequences. To the extent certain provisions of LIMA have taken effect upon a date which would not afford time to comply with the proposal process, these rules will ensure the State of New York affords a legally authorized adjudication process to litigants and provides notice of such process and the possible dispositions resulting from such process to litigants and other interested parties during the proposal process.

The amendments to 9 NYCRR §§ 8002.6 and 8004.1 provide for the computation of time assessments, which determines when an individual reincarcerated as a result of an adjudicated violation of release disposition is eligible for re-release, consistent with the provisions of LIMA. Section 8004.1 further introduces definitions for terms describing categories of violation created by LIMA which have a material effect on the character and scope of legally authorized dispositions while new sections 8004.6, 8004.7 and 8004.8 provide further detail on these categories of violation and amendments to section 8003.2 revise the standard conditions of release in light of these changes. The addition of 9 NYCRR §§ 8004.6, 8004.7, 8004.8 and the repeal and replacement of 9 NYCRR § 8005.20 provide for a sanction scheme and a process for the imposition of such sanctions which is consistent with the provisions of LIMA. Amendments to sections 8004.2, the repeal and replacement of section 8004.3, and new sections 8004.4, 8004.5, 8004.9, 8004.10 and 8004.11 address changes to the process by which a violation proceeding is commenced and the new recognition hearing required by LIMA. The amendments to Part 8005 alter the revocation hearing process and the penalties which may result in a manner consistent with LIMA. The amendments to Part 8006 revise the process for the administrative appeal of revocation determinations to harmonize current practice with the new appeal entitlements provided by LIMA.

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

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

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

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

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

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

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Assessment of Public Comment

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

Department of Economic Development

EMERGENCY RULE MAKING

Digital Gaming Media Production Tax Credit Program

I.D. No. EDV-45-22-00017-E

Filing No. 871

Filing Date: 2022-10-24

Effective Date: 2022-10-24

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

Action taken: Addition of Part 300 to Title 5 NYCRR.

Statutory authority: L. 2022, ch. 59, part OO

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

Specific reasons underlying the finding of necessity: The Digital Gaming Media Production Credit Program was enacted to encourage, attract and grow the digital game development industry in New York State. The tax incentive will help offset some production costs associated with producing digital games in New York State including the high cost of wages for technology and design jobs and leasing costs. The economic benefit of this program will be to increase digital game investment from outside New York State (foreign and domestic), increase the number of jobs and studios within the industry and bolster the existing ecosystem of digital game development throughout the state; including within the key regions of Greater Rochester, the Capital Region, and New York City.

The \$25 million tax credit passed in the 2022 budget and will run from January 1, 2023 to December 31, 2027.

These regulations must be promulgated immediately so that the Department of Economic Development can launch the Program and begin accepting applications in time for eligible digital game development projects to submit an initial application if they intend to start incurring production costs on January 1, 2023, the date qualified costs start to become eligible.

Subject: Digital Gaming Media Production Tax Credit Program.

Purpose: To create the administrative process for the program and conform to statute.

Substance of emergency rule (Full text is posted at the following State website: esd.ny.gov): The regulation contained in 5 NYCRR Part 300 which governs the newly created Digital Gaming Media Production Tax Credit program is summarized as follows:

The regulation begins by noting that a digital gaming media production entity engaged in qualified digital gaming media production shall be allowed a 25% tax credit on qualified expenses for taxable years beginning on or after January 1, 2023 and before January 1, 2028. Furthermore, there is an additional 10% credit given for qualified digital gaming media production costs for a qualified digital gaming media production incurred and paid outside the metropolitan commuter transportation district in New York State.

In addition, the regulation clarifies that up to four million dollars in qualified digital gaming media production costs per production shall be used in the calculation of this credit and digital gaming media production costs may not include those costs used by the taxpayer or another taxpayer as the basis calculation of any other tax credit allowed under the Tax Law.

Next, the regulation lays out some key definitions including, but not limited to, “authorized applicant”; “certificate of conditional eligibility”; “certificate of tax credit”; “digital gaming media production costs”; “diversity impact data”; “diversity plan”; “diversity report”; “qualified digital gaming media production”; “qualified digital gaming media production entity”; and “qualified digital gaming media production costs.”

The regulation then addresses the application process which is bifurcated into an initial and final application phase. An authorized applicant shall submit an initial application to the Department prior to it paying or incurring digital gaming media production costs on a qualified digital gaming media production but no sooner than ninety (90) days before the start date of their qualified digital gaming media production. The Department then reviews the initial application to determine whether it meets the eligibility criteria set forth in the regulation. After this review, the Department will notify the authorized applicant of its eligibility.

Upon completion of the project, a final application must be submitted to

the Department. The Department shall approve or disapprove the final application based upon criteria set forth in the regulation. If the final application is approved, the Department shall issue a certificate of tax credit to the approved applicant. Under no circumstances may a single taxpayer receive more than one million five hundred thousand dollars in tax credits per year. If the final application is disapproved, the Department shall provide the applicant with a notice of disapproval and such applicant may appeal the decision.

After clarifying that the aggregate amount of tax credits allowed under this program in any taxable year is \$5 million, the regulation sets forth the criteria for evaluation of both initial and final applications. Such criteria contains requirements to submit both a diversity plan and diversity report to the Department as part of this application process.

Regarding record retention, the regulation states that applicants must maintain records, in paper or electronic form, of any qualified production costs used to calculate their potential or actual benefit(s) under this program for a minimum of three years from the date the applicant claims the tax credit.

The regulation next addresses an applicant’s appeal process. It notes that if the authorized applicant’s final application is disapproved by the Department, or if the approved applicant disagrees with the amount of the tax credit granted by the Department, the applicant has a right to appeal. Upon receipt of a timely letter of appeal, an independent hearing officer will be appointed by the Commissioner to handle the appeal. The independent hearing officer shall make a report on the appeal to the Commissioner. The Commissioner or designee shall issue a final order within 60 days of the report.

Finally, the regulation concludes with a section on exchange of information with Department of Taxation and Finance and reporting requirements.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires January 21, 2023.

Text of rule and any required statements and analyses may be obtained from: Thomas P. Regan, Department of Economic Development, 625 Broadway, Albany, NY 12245, (518) 292-5123, email: thomas.regan@esd.ny.gov

Regulatory Impact Statement

STATUTORY AUTHORITY:

Section 5 of Part OO of Chapter 59 of the Laws of 2022 requires the Commissioner of the Department of Economic Development (the “Department”) to promulgate regulations describing the application process, the due dates for such applications, the standards which shall be used to evaluate the applications, the documentation that will be provided to taxpayers by the Department of Economic Development, with respect to the digital gaming media production tax credit program to substantiate to the New York State Department of Taxation and Finance the amount of tax credits allocated to such taxpayers, under what conditions all or a portion of this tax credit may be revoked, and such other provisions as deemed necessary and appropriate.

LEGISLATIVE OBJECTIVES:

The proposed/emergency rule gives effect to the intention of the legislature to provide an economic development incentive to encourage, attract and grow the digital game development industry in New York State.

NEEDS AND BENEFITS:

The proposed/emergency rule is necessary in order to create the administrative procedures for the digital gaming media production tax credit program as further discussed below.

The program allows a digital gaming media production entity engaged in qualified digital gaming media production to receive a 25% tax credit on qualified expenses for taxable years beginning on or after January 1, 2023 and before January 1, 2028. Furthermore, there is an additional 10% credit given for qualified digital gaming media production costs for a qualified digital gaming media production incurred and paid outside the metropolitan commuter transportation district in New York State. The program is capped at \$25 million over five years.

The tax incentive will help offset some production costs associated with producing digital games in New York State including the high cost of wages for technology and design jobs and leasing costs. The economic benefit of this program will be to increase digital game investment from outside New York State (foreign and domestic), increase the number of jobs and studios within the industry and bolster the existing ecosystem of digital game development throughout the state; including within the key regions of Greater Rochester, the Capital Region, and New York City.

These regulations must be promulgated immediately so that the Department of Economic Development can launch the Program and begin accepting applications in time for eligible digital game development projects to submit an initial application if they intend to start incurring production costs on January 1, 2023, the date qualified costs start to become eligible.

COSTS:

I. Costs to private regulated parties (the business applicants): None. The proposed/emergency rule will not impose any additional costs to eligible business applicants.

II. Costs to the regulating agency for the implementation and continued administration of the rule: Minimal as costs to the agency will be absorbed by current agency budget.

III. Costs to the State government: \$25 million in tax credits over a five year period.

IV. Costs to local governments: None. The proposed/emergency rule will not impose any costs on local governments.

LOCAL GOVERNMENT MANDATES:

None. There are no local government mandates associated with this program.

PAPERWORK:

The rule amends the administrative process of a tax credit program. The rule entails certain paperwork burdens including materials to be submitted as part of applications for tax credits, additional documents the Commissioner may request from applicants as part of the evaluation of applications, and certain records that must be maintained by program participants for auditing purposes.

DUPLICATION:

The proposed/emergency rule adds the tax credit program in Part 300 of 5 NYCRR. Accordingly, there is no risk of duplication in the adoption of the proposed/emergency rule.

ALTERNATIVES:

No alternatives were considered with regard to creating a new rule in response to the statutory requirement.

FEDERAL STANDARDS:

There are no federal standards applicable to this program; it is purely a state program that offers tax benefits to digital gaming companies that meet certain threshold requirements. Therefore, the proposed/emergency rule does not exceed any federal standard.

COMPLIANCE SCHEDULE:

The affected agency (Department of Economic Development) and any applicants to digital gaming media production tax credit program will be able to achieve compliance with the regulation as soon as it is implemented.

Regulatory Flexibility Analysis

Participation in the Empire State Digital Gaming Media Production Credit Program is entirely at the discretion of qualifying business entities. Neither statute nor the proposed/emergency rule impose any obligation on any local government or business entity to participate in the program. The proposed/emergency rule does not impose any adverse economic impact or compliance requirements on small businesses or local governments. In fact, the rule may have a positive economic impact on small businesses.

Because it is evident from the nature of the proposed/emergency rule that it will have either no impact or a positive impact on small businesses and local government, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required and one has not been prepared.

Rural Area Flexibility Analysis

Under the Empire State Digital Gaming Media Production Credit Program, certain businesses in rural areas of New York State may be eligible to apply to participate in the program entirely at their discretion. Municipalities are not eligible to participate in the Program.

The rule does not impose any special reporting, record keeping or other compliance requirements on private entities in rural areas. Therefore, the rule will not have a substantial adverse economic impact on rural areas nor on the reporting, record keeping or other compliance requirements on public or private entities in such rural areas. Accordingly, a rural area flexibility analysis is not required and one has not been prepared.

Job Impact Statement

The proposed/emergency rule creates the administrative process for the Empire State Digital Gaming Media Production Credit Program. The program aims to incentivize businesses in the targeted area of digital media and gaming and will not have a substantial adverse impact on jobs and employment opportunities; rather, the program is intended to increase employment opportunities.

Because it is evident from the nature of the proposed/emergency rulemaking that it will have either no impact or a positive impact on job and employment opportunities, no further affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

EMERGENCY RULE MAKING

Regulations Governing the Recreational and Commercial Shortfin Mako Fisheries

I.D. No. ENV-32-22-00026-E

Filing No. 869

Filing Date: 2022-10-21

Effective Date: 2022-10-21

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

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

Statutory authority: Environmental Conservation Law, sections 13-0105 and 13-0338

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

Specific reasons underlying the finding of necessity: Shortfin mako shark are popular gamefish and support commercial fisheries because of their high-quality meat. Shortfin mako reach reproductive maturity later in life and have long reproductive cycles. The latest stock assessment of shortfin mako produced by the International Commission for the Conservation of Atlantic Tunas (ICCAT) found that this species is overfished, which means that the shortfin mako population is too low, and that the species is experiencing overfishing, which means that mortality resulting from commercial and recreational fishing activity is too high. ICCAT has determined that shortfin mako stocks will require rebuilding timeframes through 2070. In response, ICCAT and ASMFC have called for a prohibition on retention of shortfin mako in both commercial and recreational fisheries. On July 1, 2022, NOAA Fisheries adopted a prohibition of all retention of shortfin mako in federal waters. The prohibition took effect on July 5, 2022. New York must adopt a similar retention prohibition to protect shortfin mako in state waters and to remain in compliance with ASMFC. Failure to adopt these regulations on an emergency basis would allow harvest of shortfin mako in state waters to continue.

Subject: Regulations governing the recreational and commercial shortfin mako fisheries.

Purpose: To revise regulations to implement a prohibition on commercial and recreational take of shortfin mako in State waters.

Text of emergency rule: Existing paragraph 40.7(c)(1) is amended to read as follows:

(1) It shall be unlawful for any recreational angler to take, or to possess on the waters of the marine and coastal district, as defined in ECL section 13-0103, or the shores thereof, or anywhere inland from such shores, any shark species other than the following: Atlantic sharpnose (*Rhizoprionodon terraenovae*); blacktip (*Carcharhinus limbatus*); blue (*Prionace glauca*); bonnethead (*Sphyrna tiburo*); bull (*Carcharhinus leucas*); common thresher (*Alopias vulpinus*); finetooth (*Carcharhinus isodon*); great hammerhead (*Sphyrna mokarran*); scalloped hammerhead (*Sphyrna lewini*); smooth hammerhead (*Sphyrna zygaena*); lemon (*Negaprion brevirostris*); nurse (*Ginglymostoma cirratum*); oceanic whitetip (*Carcharhinus longimanus*); porbeagle (*Lamna nasus*); [shortfin mako (*Isurus oxyrinchus*);] smooth dogfish (*Mustelus canis*); spiny dogfish (*Squalus acanthias*); spinner (*Carcharhinus brevipinna*); and tiger (*Galeocerdo cuvier*).

Existing subparagraph 40.7(c)(2)(iv) is repealed.

New clause 40.7(c)(6)(i)(d) is adopted to read as follows:

(d) *Possession of shortfin mako is prohibited.*

New clause 40.7(c)(6)(ii)(d) is adopted to read as follows:

(d) *Possession of shortfin mako is prohibited.*

Existing subparagraph 40.7(d)(4)(vii) is amended to read as follows:

(vii) Pelagic species: blue (*Prionace glauca*); common thresher (*Alopias vulpinus*); oceanic whitetip (*Carcharhinus longimanus*); porbeagle (*Lamna nasus*); shortfin mako (*Isurus oxyrinchus*) (*see paragraph (d)(17) of this section*).

New paragraph 40.7(d)(17) is adopted to read as follows:

(17) *Special regulations for shortfin mako: Possession of shortfin mako is prohibited.*

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-32-22-00026-EP, Issue of August 10, 2022. The emergency rule will expire December 19, 2022.

Text of rule and any required statements and analyses may be obtained from: Christopher Scott, Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754, (631) 444-0429, email: christopher.scott@dec.ny.gov

Additional matter required by statute: Pursuant to article 8 of the ECL, the State Environmental Quality Review Act, a Coastal Assessment Form and a Short Environmental Assessment Form with a negative declaration have been prepared, and are on file with the Department.

Regulatory Impact Statement

1. Statutory authority:

Environmental Conservation Law (ECL) § 13-0305 directs the Department of Environmental Conservation (DEC) to manage New York State's marine fishery resources to preserve their long-term abundance for future generations. ECL § 13-0338(4) grants DEC authority to adopt regulations for sharks including: catch and possession limits, restrictions on the manner of taking and landing, and requirements on the amount and type of fishing effort and gear, provided that such regulations are consistent with Atlantic States Marine Fisheries Commission (ASMFC) and federal fishery management plans.

2. Legislative objectives:

It is the objective of the above-cited legislation that DEC regulates New York State's shark fisheries to preserve long-term abundance for future generations by adopting catch and possession limits, restrictions on the manner of taking and landing, and gear requirements, provided that such regulations are consistent with ASMFC and federal fishery management plans.

3. Needs and benefits:

Shortfin mako shark are popular gamefish and support commercial fisheries because of their high-quality meat. Shortfin mako reach reproductive maturity later in life and have long reproductive cycles. The latest stock assessment of shortfin mako produced by the International Commission for the Conservation of Atlantic Tunas (ICCAT) found that this species is overfished, which means that the shortfin mako population is too low, and that the species is experiencing overfishing, which means that mortality resulting from commercial and recreational fishing activity is too high. ICCAT has determined that shortfin mako stocks will require rebuilding timeframes through 2070. In response, ICCAT and ASMFC have called for a prohibition on retention of shortfin mako in both commercial and recreational fisheries. On July 1, 2022, NOAA Fisheries adopted a prohibition of all retention of shortfin mako in federal waters. The prohibition took effect on July 5, 2022. New York must adopt a similar retention prohibition to protect shortfin mako in state waters and to remain in compliance with ASMFC. Failure to adopt these regulations on an emergency basis would allow harvest of shortfin mako in state waters to continue.

4. Costs:

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

5. Local government mandates:

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

6. Paperwork:

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

7. Duplication:

The amendment does not duplicate any state or federal requirement.

8. Alternatives:

"No action" alternative: These amendments will ensure that New York maintains compliance and consistency with requirements of the ASMFC and NOAA Fisheries. "No action" alternative would allow for harvest of an already vulnerable species, and any harvest by New York could cause the United States to be out of compliance with the international management of shortfin mako.

9. Federal standards:

The amendments to Part 40 comply with the ASMFC and NOAA Fisheries Fishery Management Plans for shortfin mako.

10. Compliance schedule:

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

Regulatory Flexibility Analysis

1. Effect of rule:

This rule making will implement new Atlantic States Marine Fisheries

Commission (ASMFC) and NOAA Fisheries requirements banning retention of all shortfin mako (*Isurus oxyrinchus*).

NOAA Fisheries Highly Migratory Species (HMS) permits are needed to fish for and harvest shortfin mako shark from federal waters and to sell shortfin mako. There are two types of commercial permits: a limited access shark directed commercial fishing permit and a shark incidental commercial fishing permit. During 2021, only 3 – 4% of the HMS limited access shark permits were issued to NY residents.

Limited commercial data from state and federal trip reports indicate 5 to 15 individuals have reported harvesting shortfin mako in New York over the last five years. During 2020, NMFS most recent commercial landings data, New York (NY) commercial landings accounted for 5 percent of east coast United States (US) landings. In general, within the commercial fishery, shortfin mako is bycatch in fisheries which target swordfish and tuna. Dealer reports from New York State indicate that there were 6 different dealers which reported buying shortfin mako between 2017 – 2020. There were no dealer reports with shortfin mako in 2021. During this time, these dealers purchased 11,762 pounds of shortfin mako worth \$23,914.88, at an average price of \$2.05 per pound. These fishers and dealers will no longer be able to land, sell or buy shortfin mako in New York.

To fish in federal waters for shark, vessel owners must have a valid federal fishing permit for their vessel – either "HMS Angling" or "HMS Charter/Headboat". During 2021, NY residents were issued 12% of the angling permits and 9% of the charter/party boat permits. In addition, to fish for sharks recreationally, permit holders need to apply for and receive a shark endorsement on their permit. Coastwide, 75 percent of the HMS charter/party boat permits had shark endorsements and only 57 percent of the angling permits had such endorsements. NMFS does not collect data on the NY percentage of endorsements.

There is limited recreational data on NY catch and effort from NOAA's Large Pelagic Survey (LPS) on shortfin mako. Based on the data that is available, recreational catch from private and charter modes has been relatively stable over the last five years. From 2017 – 2021, the LPS estimates that NY recreational shark anglers had an average catch (i.e., those makos kept, released alive, and discarded dead) of 1,998 shortfin mako per year. NY catch represents 49% of all shortfin mako catch between Maine (ME) and Virginia (VA) during this time. NY recreational shark anglers harvested (i.e., those makos kept) an average of 484 shortfin mako per year in the same time period. NY harvest represents 58% of all shortfin mako harvest between ME and VA during this time. The LPS survey does not differentiate catch between state and federal waters, but it is likely that most of this catch is from federal waters because shortfin mako are rarely found in the shallower shelf waters of the NY Marine & Coastal District.

Shortfin mako has been one of the major shark species targeted in Atlantic pelagic shark tournaments. Based on NOAA Highly Migratory Species permit database, NY averaged 9 permitted pelagic shark tournaments from 2017 – 2021, which was 28% of all permitted Atlantic pelagic shark tournaments from ME to Florida (FL). All aspects of the NY recreational offshore shark fishing community will be impacted by this rule because they are generally targeting shortfin mako on their trips. Tournament anglers will likely shift to targeting other shark species, such as common thresher shark, or tournament organizers may opt to cancel their tournaments.

2. Compliance requirements:

Prohibition of possession of shortfin mako.

3. Professional services:

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

4. Compliance costs:

There are no new costs to state and local governments from this action. DEC will incur limited costs associated with both the implementation and administration of these rules, including costs relating to notifying commercial and recreational fishers, party and charter boat operators, and other recreational fishing associated businesses of the new rules. The proposed regulations do not require any expenditure on the part of affected businesses to comply with the changes.

5. Economic and technological feasibility:

The proposed regulations do not require any expenditure on the part of affected businesses to comply with the changes.

6. Minimizing adverse impact:

Shortfin mako shark are popular gamefish because of their high-quality meat. However, the latest stock assessment of shortfin mako produced by the International Commission for the Conservation of Atlantic Tunas (ICCAT) found that this species is overfished and requires rebuilding timeframes through 2070. Shortfin mako reach reproductive maturity later in life and have long reproductive cycles. In response, ICCAT and ASMFC have called for a prohibition on retention of shortfin mako in both commercial and recreational fisheries. NOAA Fisheries adopted a prohibition of all retention of shortfin mako in federal waters which became effective

on July 5, 2022. New York must adopt a similar retention prohibition to protect shortfin mako in state waters. Failure to adopt these regulations on an emergency basis would allow harvest of shortfin mako in state waters to continue.

7. Small business and local government participation:

NOAA Fisheries published the proposed rule for shortfin mako on April 11, 2022. NOAA Fisheries held a public hearing on this proposed rule on April 27, 2022. The public comment period closed on May 11, 2022. Banning retention of shortfin mako was discussed at the ASMFC Coastal Sharks Board meeting on May 4, 2022.

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

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

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

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

Rural Area Flexibility Analysis

The Department of Environmental Conservation (DEC) has determined that this rule will not impose any adverse impacts on rural areas. This rule making only affects the Marine and Coastal District of the State; there are no rural areas within the Marine and Coastal District. The shortfin mako fishery is entirely located within the Marine and Coastal District and federal waters 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. DEC has determined that a Rural Area Flexibility Analysis is not required because no rural areas will be affected by the amendments to 6 NYCRR Part 40.

Job Impact Statement

A Job Impact Statement is not required because this rulemaking will have no substantial adverse impact on jobs and employment opportunities. The current possession limits for shortfin mako in New York (NY) are no more than one shark per recreational angler and no more than 36 sharks per commercial fisher. The proposed rulemaking will prohibit the possession of shortfin mako sharks in the NY Marine and Coastal District, consistent a recent prohibition on possession in federal waters adopted by National Oceanic and Atmospheric Administration (NOAA Fisheries) on July 5, 2022.

Shortfin mako are rarely found in the shallow shelf waters of the NY Marine & Coastal District and are more commonly caught in deeper federal waters. People who catch shortfin mako include recreational Atlantic pelagic shark tournament anglers that specifically target shortfin mako sharks and commercial fishers who retain shortfin mako as bycatch in fisheries which target swordfish and tuna.

Between 2017 and 2021 there were an average of nine permitted recreational Atlantic pelagic shark tournaments. While tournament participants are generally targeting shortfin mako on their trips, they will likely shift to targeting other shark species such as common thresher shark. Some tournament organizers may opt to cancel their tournaments all together.

NOAA Fisheries Highly Migratory Species (HMS) permits are needed to fish for and harvest shortfin mako shark from federal waters and to sell shortfin mako. There are two types of commercial permits: a limited access shark directed commercial fishing permit and a shark incidental commercial fishing permit. During 2021, only 3 – 4% of the HMS limited access shark permits were issued to NY residents. In addition, NOAA Fisheries issued 9 Atlantic shark dealer permits to NY residents. Limited commercial data from state and federal trip reports indicate 5 to 15 individuals have reported harvesting shortfin mako over the last five years. Commercial dealer reports from NY indicate that only six dealers reported buying shortfin mako between 2017 – 2020. No dealers reported buying shortfin mako in 2021. Due to the limited number of mako sharks caught and purchased commercially since 2017, the Department has determined that the proposed rulemaking will not have a significant adverse impact on commercial fishing jobs in NY.

It is evident from the nature of this rulemaking that it will have no significant adverse impact on jobs or employment opportunities. Accordingly, pursuant to SAPA § 207-a(2)(a) a Job Impact Statement is not required and is not submitted with this rulemaking.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Regulations Governing the Recreational Fishing of Scup and Black Sea Bass

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

Filing No. 870

Filing Date: 2022-10-24

Effective Date: 2022-11-09

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

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

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

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

Purpose: To revise regulations concerning the recreational harvest of scup and black sea bass in New York State.

Text or summary was published in the July 6, 2022 issue of the Register, I.D. No. ENV-27-22-00006-EP.

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

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

Additional matter required by statute: Pursuant to Article 8 of the ECL, the State Environmental Quality Review Act, a Coastal Assessment Form and a Short Environmental Assessment Form with a negative declaration have been prepared, and are on file with the Department.

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Adding Aerosol Cans and Paint to NYS Universal Waste Rule

I.D. No. ENV-45-22-00021-P

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

Proposed Action: Amendment of Parts 370, 371, 373, 374 and 376 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, art. 1, titles 1 and 3; art. 3, title 3; art. 19, title 3; art. 27, titles 1, 3, 7, 9; art. 70; art. 71, titles 27 and 53

Subject: Adding Aerosol Cans and Paint to NYS Universal Waste Rule.

Purpose: Add Federal universal waste provisions relating to aerosol cans and allow waste paint to be managed as a universal waste.

Public hearing(s) will be held at: 2:00 p.m., Jan. 11, 2023 via Webex.

Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 370, Part 371, Part 373, Part 374, and Part 376 by November 9, 2022. The proposed regulations webpage for 6 NYCRR Part 370, Part 371, Part 373, Part 374, and Part 376 may be accessed at: <https://www.dec.ny.gov/regulations/proproregulations.html>

Persons who wish to receive the instructions by mail or telephone may call the department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference Parts 370, 371, 373, 374 and 376 at the public comment hearing.

The department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than Friday, December 30, 2022. The written request must be addressed to ALJ Molly McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Molly McBride at ohms@dec.ny.gov.

Interpreter Service: Interpreter services will be made available to hearing

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

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

Substance of proposed rule (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html>): The New York State Department of Environmental Conservation is proposing to amend 6 NYCRR Parts 370, 371, 373, 374, and 376. The proposed amendments will add aerosol cans and waste paint to the list of wastes that may be managed as universal wastes in New York State. The Express Terms are summarized below:

Part 370 will be amended to add definitions for the terms “aerosol can,” “architectural coatings,” and “paint.” The definitions for “universal waste” and “universal waste handler” are amended to add aerosol cans and paint to the existing list of universal wastes in those definitions.

Part 371 will be amended to add aerosol cans and paint to the list of wastes that are exempted from the requirements of Part 372, Part 373, Subpart 374-1 and Part 376 if handled as universal wastes under Subpart 374-3 of this Title.

Subpart 373-1 will be amended to add aerosol cans and paint to the list of wastes that are not subject to this Subpart if handled as universal wastes under Subpart 374-3 of this Title.

Subpart 373-2 will be amended to add aerosol cans and paint to the list of wastes that are not subject to this Subpart if handled as universal wastes under Subpart 374-3 of this Title.

Subpart 373-3 will be amended to add aerosol cans and paint to the list of wastes that are not subject to this Subpart if handled as universal wastes under Subpart 374-3 of this Title.

Subpart 374-3 will be amended to describe the standards for aerosol cans and waste paint that are being handled as universal waste in New York. It includes the following:

1. Applicability of the universal waste regulations to aerosol cans and paint, including when aerosol cans and waste paint may be handled under the universal waste requirements of Subpart 374-3;

2. Specific standards for accumulation, storage and handling of these materials that are designed to address the hazards associated with handling aerosol cans and paint, and to prevent releases to the environment;

3. Activities that large and small quantity universal waste handlers may conduct under the regulations including a description of the conditions for puncturing aerosol cans and consolidating the same types of paint into another container of paint;

4. Procedures to be followed in the event of a release or other emergency; and

5. Labeling, recordkeeping and reporting requirements.

Text of proposed rule and any required statements and analyses may be obtained from: Alison Egbon, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8652, email: alison.egbon@dec.ny.gov

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

Public comment will be received until: January 17, 2023.

Additional matter required by statute: Pursuant to article 8 of the ECL, the State Environmental Quality Review Act, an Environmental Assessment Form, determination of significance (negative declaration), and Coastal Assessment Form have been prepared and are on file with the department.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/propregulations.html>):

1. Statutory Authority

The New York State Department of Environmental Conservation’s (DEC) authority to undertake this rulemaking is found in Article 1, Titles 1 and 3; Article 3, Title 3; Article 19, Title 3; Article 27, Titles 1, 3, 7, and 9; Article 70; and Article 71, Titles 27 and 35 of the Environmental Conservation Law (ECL). These statutory sections grant DEC the authority to promulgate and revise the hazardous waste regulations at 6 NYCRR Parts 370, 371, 373, 374, and 376 and to enforce the ECL and its implementing regulations.

2. Legislative Objectives

The Legislature intended that DEC implement and administer the comprehensive hazardous waste management program created by Chapter 639, Laws of 1978 (New York State Industrial Hazardous Waste Management Act). Hazardous waste is currently managed under Article 27, including Titles 3, 7, and 9.

DEC’s hazardous waste regulations include provisions that implement the Federal universal waste program. The universal waste program is intended to streamline the management of certain commonly generated

wastes to promote their collection and recycling. The State’s universal waste program is set forth in 6 NYCRR Subpart 374-3. Additional provisions implementing the universal waste program are found in 6 NYCRR Parts 370, 371, 372, and 373, Subparts 374-1 and 374-2 and Part 376. The full Regulatory Impact Statement summarizes DEC’s authorizations under these provisions.

3. Needs and Benefits

The proposed rulemaking will incorporate the Federal Aerosol Can rule published in the Federal Register on December 9, 2019, and provisions to support the implementation of the Postconsumer Paint Recycling Program law (added L. 2019, c. 673 § 1 eff. Dec. 16, 2019; amended L. 2020 c. 63, § 1, eff. Dec. 16, 2019) into the State’s Universal Waste regulations. It includes amendments to 6 NYCRR Subpart 374-3, “Standards for Universal Waste.”

The proposed amendments will improve the overall management of DEC’s universal waste program by streamlining the management, and encouraging the recycling and proper disposal, of aerosol cans and waste paint, two categories of hazardous waste that are commonly generated and would otherwise end up in landfills or be incinerated.

On December 9, 2019, EPA added aerosol cans to the list of wastes that may be managed as universal wastes (see 84 Fed Reg 67202 [2019], the “Aerosol Can Rule”). This management option is not available in New York until adopted into regulation. Aerosol cans may be hazardous waste due to the contents of the cans and/or due to the propellants which may be ignitable or reactive. Adding aerosol cans to the State universal waste rule would improve the collection and recycling of aerosol cans, especially from retail establishments who often receive returned cans from customers. This rule will streamline the management of aerosol cans for the regulated community and increase the recycling rate of aerosol cans. DEC is also proposing to add some requirements beyond those included in the federal rule by requiring that universal waste handlers receiving aerosol cans from off-site for puncturing meet the large quantity handler requirements, regardless of the amount of aerosol cans the handler processes and prohibiting handling of acute hazardous waste under this rule. This provision will require handlers to keep records of sites from which they receive aerosol cans and notify DEC of handlers recycling off-site aerosol cans. DEC does not believe that aerosol cans containing acute hazardous waste should be handled as universal waste because acute hazardous wastes are toxic in very small amounts. The proposed revisions are designed to encourage handlers to recycle aerosol cans by consolidating and puncturing the cans so the empty cans can be recycled as scrap metal. This often means that the aerosol cans could be handled and repackaged by many different handlers before the aerosol cans are drained and sent for recycling. However, DEC does not want acute hazardous wastes to be handled any more than necessary to facilitate proper treatment or disposal, because acute hazardous wastes can cause significant harm to human health and the environment when handled improperly.

On December 16, 2019, the Postconsumer Paint Collection Program was enacted into law, (L.2019, c. 673, section 1, eff. Dec. 16, 2019, amended L.2020, c. 63, section 1, eff. Dec. 16, 2019). The law requires manufacturers of architectural paint to implement a paint collection and recycling program. Some architectural paints may be hazardous waste when discarded. Under the current regulations, collection sites must obtain a Part 373 Hazardous Waste Treatment, Storage and Disposal Facility (TSDF) permit for storage of oil-based paint or are limited to only taking paint from conditionally exempt small quantity generators of hazardous waste and households. This inhibits manufacturers’ ability to comply with the collection requirements of the State law and prevents small and large quantity generators from taking part in a program they are eligible to participate in under State law. Adding paint to the universal waste rule will allow collection sites to collect waste paint from all generators without a TSDF permit, provided they meet management standards for the handling of these wastes.

There are several reasons why maintaining consistency with the Federal universal waste regulations and addressing postconsumer paint collection and recycling are beneficial to the State and the regulated community:

- The proposed regulations will streamline the management, and encourage the collection and recycling, of aerosol cans and waste paint which are commonly generated by a wide variety of establishments;
- Less confusion occurs in the regulated community when State universal waste regulations are consistent with Federal universal waste regulations and those of neighboring states;
- The regulatory burden on retail establishments and other waste generators that collect these wastes for recycling and proper disposal will be reduced;
- The regulatory burden on transporters of these wastes will be reduced; and
- Limited State, Federal and private resources can be more effectively used to protect human health and the environment.

4. Costs

a. Costs to the Regulated Community

DEC is adopting EPA's Federal Aerosol Can Rule without substantive changes and adding waste paint to its universal waste regulations. The adoption of these proposed amendments is not expected to result in substantial additional costs to the regulated community or local or State Government. The only costs that could be incurred by regulated entities would be incurred on a voluntary basis because compliance with the proposed regulations in lieu of compliance with the ordinary hazardous waste regulations is optional. DEC has determined that the costs associated with regulatory conformance for regulated entities under these proposed regulations will result in an overall cost savings. These changes will ensure New York State's regulations are consistent with Federal regulations and other states' regulations.

Aerosol Cans: The cost savings for regulated entities in New York State is estimated to be about \$124,650 annually.

Paint: The cost savings for regulated entities in New York State is estimated to be about \$120,285 in avoided labor and operations costs annually.

b. Costs to DEC, State, and Local Government

The actual costs to DEC for implementing these changes should not be substantial. The proposed regulations do not require additional statutory authority, do not create new regulatory programs, do not expand existing regulatory programs in ways that are more stringent than current regulations, and do not increase the universe of the regulated community beyond that which is already required by the Federal regulations.

- Aerosol cans being handled as a universal waste would not require manifest reporting. However, adoption of this rulemaking may result in additional workload to DEC to process permits and registrations, and to inspect facilities because the rule encourages more entities to recycle aerosol cans.

- The addition of paint as a universal waste will result in additional workload to DEC to process permits and registrations, and to inspect facilities because the rule encourages more entities to recycle waste paint.

Other costs to DEC should be minimal. Conformance with these amendments should not result in substantial additional costs to other branches of local or State governments.

DEC's addition of aerosol cans and waste paint to the universal waste regulations will result in savings in DEC's operating costs for the management and disposal of these waste streams.

Failure to adopt the Federal Aerosol Can Rule could result in confusion in the regulated community due to differences between New York State's Universal Waste program and other state and Federal Universal Waste programs. Failure to promulgate the state-initiated proposed changes to add waste paint to the state universal waste rule would undermine the implementation of the new Postconsumer Paint Collection Program, as mandated by State law, and make it much more difficult for small and large quantity generators to participate in the program. It would also require more staff time to address the confusion within the regulated community concerning compliance with the hazardous waste regulations.

c. Basis of Cost Estimates

EPA completed a full cost analysis for the Aerosol Can Rule and the cost information from this Federal analysis was used as the basis for the cost estimates for this rulemaking. Data from the "National Biennial RCRA Hazardous Waste Report (2019)," the US Census Bureau, and several websites were used to determine New York State's component of national EPA cost estimates and estimates of compliance costs for the provisions of the proposed regulations for facilities managing aerosol cans in New York.

Data from DEC's computer data systems, PaintCare, Inc., DEC's household hazardous waste grants program, and several websites were used to determine paint disposal costs and estimates of compliance costs for the provisions of these proposed regulations for facilities managing waste paint in New York.

5. Local Government Mandates

This rulemaking will impose no additional record keeping, reporting, or other requirements on local governments.

6. Paperwork

Some of the proposed regulatory provisions have recordkeeping requirements, but DEC expects a reduction in paperwork, as universal waste is subject to fewer recordkeeping requirements than hazardous waste. In most cases, paperwork may be submitted and maintained in electronic format.

7. Duplication

The proposed rulemaking will not result in a duplication of State regulations. It will ensure that New York's regulations are consistent with Federal regulations and regulations adopted by neighboring states

8. Alternatives

The "no-action" alternative would leave in place State regulations that impose standards on the regulated community that are more stringent than the Federal regulations allowed under the Federal Aerosol Can Rule with

little environmental benefit. As many surrounding states have adopted or are currently adopting these more flexible standards, DEC's failure to implement this rulemaking could cause confusion and regulatory implementation difficulties within the regulated community. If DEC took no action for the management of paint waste, it would interfere with the implementation of the Postconsumer Paint Collection Program Law and make it exceedingly difficult for small and large quantity hazardous waste generators to participate.

DEC has the option to adopt the Federal Aerosol Can Rule as written, with no State changes. However, DEC believes that requiring universal waste handlers receiving aerosol cans from off-site for puncturing to meet the large quantity handler requirements, regardless of the amount of aerosol cans the handler processes and prohibiting the handling of acute hazardous waste as universal waste is important for the protection of human health and the environment. Provisions have been included in the rulemaking to address these requirements.

9. Federal Standards

The proposed rulemaking will ensure that the State's universal waste regulations are consistent with Federal regulations. The proposed rulemaking includes requirements for off-site management of aerosol cans that are more stringent than Federal universal waste regulations which DEC believes are necessary to protect human health and the environment.

10. Compliance Schedule

The proposed regulation will not create any deadlines for compliance with new regulatory standards. The proposed aerosol can rule reflects the existing Federal rule and is an alternative, voluntary management standard. The addition of waste paint to the universal waste rule is classified as equivalent to Federal regulations and is governed by statute. The rulemaking takes effect 60 days after publication of the Notice of Adoption by the Department of State.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed rulemaking does not place any additional burdens on small businesses or local governments, create new regulatory programs, expand existing regulatory programs in ways that are more stringent than current New York State (State) or Federal regulations, or increase the universe of regulated entities. The regulation will provide an alternative standard for managing universal waste aerosol cans and waste paint that will be less burdensome.

Accordingly, the number of small businesses and local governments affected by the rulemaking will not be more than those already affected by the existing regulations. Small businesses which are affected by the hazardous waste regulations range from retail outlets to auto maintenance facilities to manufacturers.

Small businesses and local governments who are impacted by the hazardous waste management regulations are typically either conditionally exempt small quantity generators (CESQGs) or small quantity generators (SQGs). CESQGs do not typically utilize the universal waste regulations for waste management because the universal waste requirements are more stringent than the normal hazardous waste requirements that CESQGs must meet. For this reason, DEC does not believe that small businesses and local governments that are CESQGs will be impacted by this rule. SQGs are those entities that generate between 100 and 1,000 kilograms of hazardous waste per calendar month, no more than 1 kilogram of acute hazardous waste, and store less than 6,000 kilograms of hazardous waste on-site.

Hazardous waste generators have certain management and disposal requirements that must be met for the hazardous waste they generate. Large quantity generators (LQGs) generate most of the waste in New York and are subject to greater regulation. LQGs are those entities that generate 1,000 kilograms or more of hazardous waste or more than 1 kilogram of acute hazardous waste per calendar month, and can store 6,000 kilograms or more of hazardous waste on-site. Generators can choose whether to opt into the new standards for waste paint and aerosol can management or may continue to operate under existing more stringent regulations.

Under existing regulations, SQGs and LQGs must manifest their hazardous waste aerosol cans when they are shipped off site. Based on hazardous waste manifest records, approximately 3,500 New York SQGs shipped hazardous waste for management over a 2-year period (2018 to 2019). If a SQG or LQG chooses to manage its aerosol cans and waste paint as universal waste under the new provisions, the hazardous waste manifest requirement would no longer be applicable to the shipment of those wastes. Large quantity universal waste handlers (i.e., facilities who accumulate more than 5,000 kg of universal waste per calendar year) and destination facilities will continue to have recordkeeping requirements.

2. Compliance Requirements

There are no new reporting, recordkeeping, or other compliance requirements for SQGs as a result of the proposed rulemaking. The proposed rulemaking will provide an optional set of standards that allow aerosol cans to be collected and managed as universal waste in accordance with

the Federal Aerosol Can Rule adopted by EPA (84 Fed. Reg. 67202 [2019]). Likewise, it will promote the collection and recycling of waste paint, including postconsumer paint. In so doing, the rule will support the implementation of the Postconsumer Paint Collection Program law (Environmental Conservation Law, Article 27, Title 20; added L.2019, c. 673, § 1, eff. Dec. 16, 2019; amended L.2020, c. 63, § 1, eff. Dec. 16, 2019). Generators may choose to comply with the new provisions or continue to comply with the State's existing hazardous waste regulations. Adoption of the proposed rulemaking will reduce duplication of effort in complying with both Federal and State regulations when managing hazardous waste aerosol cans or waste paint.

3. Professional Services

The quantity and types of services needed to handle hazardous waste aerosol cans or paint will not increase as a result of this rulemaking. DEC continues to operate an outreach program for small quantity generators including phone and e-mail access to DEC staff for assistance.

4. Compliance Costs

Small businesses and local governments should not incur any additional costs, in either initial capital costs or annual compliance costs, to comply with the proposed rulemaking. In fact, they should save money if they choose to comply with the new provisions in the proposed rulemaking. Small businesses and local governments will be able to choose to manage their aerosol cans and waste paint as universal waste and will no longer need to dispose of them as hazardous waste. They will also be allowed to consolidate the wastes from multiple locations that they own or operate to a single location which can reduce transportation and disposal costs. Small businesses and local governments will not need to count wastes managed as universal waste in their calculation of their hazardous waste generator status. This could result in some small businesses and local governments qualifying for a lower generator status with less burdensome regulations, which will lower compliance costs. Universal wastes are not included in the calculation of special assessment taxes and regulatory fees for hazardous waste, so small businesses and local governments that choose to manage their aerosol cans and waste paint as universal wastes may also see a reduction in these compliance costs.

5. Economic and Technological Feasibility

Adding aerosol can and waste paint provisions to the State's universal waste regulations will implement the Federal Aerosol Can Rule and support the implementation of the Postconsumer Paint Collection Program law. These revisions are likely to decrease the regulatory burden on small businesses and local governments because these wastes can now be managed as universal waste rather than fully regulated hazardous waste. Compliance with the new standards in this proposed rulemaking will be optional, so no new or excessive economic burdens will be imposed on small businesses or local governments. For this reason, DEC believes this rulemaking will be economically and technologically feasible for small businesses and local governments.

6. Minimizing Adverse Impact

It is DEC's belief that the proposed rulemaking will result in an economic benefit to the small business community or local governments. Small businesses and local governments that generate hazardous wastes must comply with the State's hazardous waste requirements. The proposed rulemaking is intended to streamline the management requirements for aerosol cans and waste paint and will be less costly than management of these wastes under existing hazardous waste regulations.

7. Small Business and Local Government Participation

DEC has an ongoing education program for small businesses that include small quantity generators of hazardous waste. As part of this program, workshops are conducted with trade associations throughout the State on a periodic basis and a dedicated email inbox is maintained to answer questions from the regulated community. In addition, DEC has a handbook available called "Hazardous Waste management Guide for Small Businesses" that explains how the hazardous waste regulations apply to small businesses.

From December 2019 through April 2020, DEC held 10 public workshops and webinars on the hazardous waste revisions DEC is proposing to adopt. The revisions included the addition of aerosol cans and paint to the universal waste regulations. DEC advertised these workshops and webinars to small businesses, local governments, and the general public by sending out a notice through its DEC Delivers listserv that was specifically targeted towards those subscribers that were interested in the hazardous waste program. There were approximately 1,200 registrants for the outreach workshops that were conducted by DEC, including municipalities and small businesses. DEC also drafted and posted an aerosol can fact sheet and a waste paint fact sheet on its website for review by the public. DEC invited stakeholders and other members of the public to submit comments on the proposed regulatory changes from December 2020 to January 2021. DEC also posted webpages about the revisions being considered and detailed specific areas of the regulations DEC was particularly interested in receiving input from the public. DEC received written

feedback from the regulated community from December 2020 to January 2021 on the regulations for the waste paint amendments. Small businesses and local governments were included in this statewide outreach effort, and no significant comments opposing the proposed revisions were received from these stakeholders. Rural areas were also included in this statewide outreach effort. The Aerosol Can Rule has already been through a public review and comment process on the Federal level. DEC's experience indicates general support from the interested public for keeping State hazardous waste regulations current with the corresponding Federal regulations. DEC deems the level of early public outreach described above to be sufficient for the purposes of this rulemaking.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas:

For purposes of this Rural Area Flexibility Analysis, "rural area" means those portions of the state so defined by Executive Law section 481(7). SAPA section 102(10). Executive Law section 481(7) defines rural areas as "counties within the state having less than 200,000 population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of 200,000 or greater population, "rural areas" means towns with population densities of 150 persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein." There are 44 counties in New York State that have populations of less than 200,000 people and 71 towns in non-rural counties where the population densities are less than 150 people per square mile. This rule will apply statewide including all rural areas of New York State (State).

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

No additional reporting, recordkeeping, compliance requirements, or professional services will be imposed solely on local governments by this rulemaking. The proposed rulemaking principally adopts a new United States Environmental Protection Agency (EPA) regulation which provides an optional set of standards specific to waste aerosol cans (see 84 Fed Reg 67202 [2019], the "Aerosol Can Rule") and a similar set of optional standards specific to waste paint that is necessary to implement the New York Postconsumer Paint Collection law that was enacted in 2020 (Added L. 2019, c. 673 § 1 eff. Dec. 16, 2019; amended L. 2020 c. 63, § 1, eff. Dec. 16, 2019). Generators may choose to comply with the new provisions or may continue to operate under the present State regulations with which the regulated community already must comply. Adoption of the proposed rulemaking will reduce duplication of effort in complying with both Federal and State regulations when managing hazardous waste aerosol cans or paint.

3. Costs:

No local mandates will be created by this rule, nor will this rule impose any costs on rural areas. Economic impacts to existing rural area facilities that handle hazardous wastes are small because the proposed rulemaking provides optional standards that are less burdensome than the existing regulations with which the regulated community in rural areas must already comply. Both Postconsumer Paint Collection Program law and the EPA regulations alleviate disposal burdens. Conformance with these amendments should not result in substantial additional costs to the regulated community.

a. Aerosol Cans:

EPA's analysis of costs associated with adding aerosol cans to the universal waste regulations found no cost increases to the regulated community. EPA stated in the Federal Register Notice that addition of aerosol cans to the universal waste regulations will reduce the regulatory burden on states. EPA estimates a net reduction in burden of approximately 62,621 hours. The total estimated annual cost savings is \$2.77 million. This cost savings is composed of approximately \$2.65 million in annualized avoided labor costs and \$23,000 in avoided capital or operation and maintenance costs (84 Fed Reg 67216 [2019]).

New York generators represent approximately 4.5 percent of the total waste generators in the United States. Based on the proportion of New York generators and EPA's analysis of costs described above, regulated entities in aerosol can waste handlers operating in the New York State will save approximately 2,818 hours in labor and \$124,650 on an annual basis. This includes an annual cost savings of \$119,250 from avoided labor costs and an annual cost savings of \$1,035 from avoided operation costs.

EPA did not quantify costs for the optional provisions of the rule, for example, the one-time costs associated with the purchasing of a puncturing unit and the maintenance costs associated with filter and gasket replacements. Most commercially available aerosol can puncturing units cost between \$800 to \$2,500. Filter replacements for these units cost between \$200 to \$600 dollars, depending on the number of cans the filters can process before filter breakthrough occurs. Replacement gaskets typically cost between \$5 and \$40 each depending on the manufacturer. Replacements are conducted on an "as-needed" basis depending on the contents of the aerosol cans being punctured. These costs related to

puncturing units would be completely optional, as handlers are not required to puncture their aerosol cans themselves to manage them as universal waste. DEC expects most entities will avoid puncturing their own aerosol cans and opt to send their aerosol cans to an off-site recycler instead, as they do with their other universal wastes. Aerosol can recyclers accepting aerosol cans from off-site for puncturing under the current hazardous waste regulations are already required to have this type of equipment and so these costs would not be considered new costs to recyclers.

b. Paint:

According to data collected from PaintCare, a product stewardship organization which runs postconsumer paint collection programs on behalf of paint manufacturers, the average rate of recovery is 0.03 gallons of oil-based paint recovered per person. This number is based on all oil-based paint received through the PaintCare program from consumers in all participating states and all years that the program has been in operation. Given New York's estimated population of 19,453,561 people, DEC estimates the amount of oil-based paint generation to be approximately 583,606 gallons, annually. Using this figure and an average disposal cost of \$5.43 - \$8.63 per gallon, DEC estimates an approximate annual disposal cost of \$3,168,981 - \$5,036,520 of all oil-based paint generated in New York, some of which is borne by businesses. DEC also requested estimates from PaintCare. Based on data they collected, PaintCare estimates that 551,000 gallons of oil-based paint is generated in New York annually and will cost approximately \$10.98 per gallon for shipping containers, transportation and processing. This results in annual disposal costs of approximately \$6,053,000. If the paint is handled as universal waste and recycled, there would be a reduction in compliance costs. The amount of reduced disposal costs is difficult to quantify as oil-based paint recycling is a newer industry and recycling cost data are hard to obtain, but recycling is typically cheaper than hazardous waste disposal and DEC expects that these proposed regulations will help to support the diversion of oil-based paint from disposal to recycling.

Cost savings that may result from the proposed changes include savings related to labeling, shipping documentation and reduced recordkeeping requirements. These cost savings are similar to the cost savings estimated for aerosol cans as there is a large overlap between the universe of regulated entities and the universal waste compliance costs for generators that manage aerosol cans and generators that manage waste paint. Therefore, DEC estimates a savings of approximately \$119,250 from avoided labor costs, an annual cost savings of \$1,035 in avoided operations costs, and an annual burden savings of 2,818 hours for regulated entities.

If a facility chooses to consolidate universal waste paint, it will incur costs to establish secondary containment, if such containment was not already present at the facility. Facilities can meet the secondary containment requirement in a variety of ways using both pre-built items like spill pallets or constructed specifically for a site using materials like concrete curbing and plastic liners. A facility that chooses to use standard size plastic spill pallets would need one pallet for every four 55-gallon drums they store on-site and could be expected to spend between \$350 - \$650 per pallet, depending on the design and features desired by the facility. An average 690 square foot cement storage area can hold up to nine 40.25-inch x 48.25-inch pallets. The cost of the pallets would be about \$350 at a minimum. An epoxy-coated cement floor would cost about \$792. These costs can be extrapolated for any storage area size. It is difficult for DEC to fully estimate these costs as they are highly variable and can depend largely on the volume of waste being managed at a facility and often include site-specific factors like facility layout and space constraints which are unpredictable and are therefore difficult to quantify.

DEC was unable to obtain data to quantify the costs associated with pre-consumer paint that could be eligible to be managed as a universal waste under the proposed rulemaking. Examples of pre-consumer paint include off-specification, recalled or otherwise unsaleable paint that never reaches the final consumer. DEC also did not identify any costs that would be required for an entity to remain in compliance with New York hazardous waste regulations. The only costs that could be incurred by regulated entities would be incurred on a voluntary basis because compliance with the proposed regulations in lieu of compliance with the ordinary hazardous waste regulations is optional.

4. Minimizing Adverse Impact:

These regulations will not have any adverse impact in rural areas because the proposed regulations will establish an optional set of management standards for waste aerosol cans and paint that are more streamlined and less costly than the present State regulations with which rural areas already must comply.

5. Rural Area Participation:

From December 2019 through April 2020, DEC held 10 public workshops and webinars on the hazardous waste revisions DEC is proposing to adopt. The revisions included the addition of aerosol cans and paint to the universal waste regulations. DEC advertised these workshops and

webinars to small businesses, local governments, and the general public by sending out a notice through its DEC Delivers listserv that was specifically targeted towards those subscribers that were interested in the hazardous waste program. DEC posted fact sheets about the rulemaking and proposed changes to the regulations for waste aerosol cans and paint on the DEC website for review by the public. DEC invited stakeholders and other members of the public to submit comments on the proposed regulatory changes from December 2020 to January 2021. DEC also posted webpages about the revisions being considered and detailed specific areas of the regulations DEC was particularly interested in receiving input from the public. Small businesses and local governments were included in a statewide outreach effort, and no significant comments opposing the proposed revisions were received from these stakeholders. Rural areas were also included in this statewide outreach effort. The Aerosol Can Rule has already been through a public review and comment process on the Federal level. DEC's experience indicates general support from the interested public for keeping State hazardous waste regulations current with the corresponding Federal regulations. DEC deems the level of early public outreach described above to be sufficient for the purposes of this rulemaking.

Job Impact Statement

The proposed rulemaking is not expected to create a substantial adverse impact on jobs and employment opportunities in New York State (State). The New York State Department of Environmental Conservation (DEC) widely circulated information about the proposed revisions to the universal waste rule to the regulated community and did not receive any negative comments related to job impacts.

The addition of aerosol cans to the universal waste regulations provides an optional approach for management of aerosol cans directed for recycling. The management of aerosol cans as a universal waste is voluntary and does not impose regulatory burdens that would discourage employment in the State. The proposed change will increase consistency between DEC's hazardous waste regulations and the Federal universal waste regulations, as amended on December 9, 2019 (84 Fed Reg 67202 [2019]) to add aerosol cans. The proposed rulemaking is intended to support a shift of resources from the current practice of handling and disposing of aerosol cans as hazardous waste to a more sustainable practice of puncturing, draining, and recycling aerosol cans as a universal waste.

The proposed rulemaking will also amend DEC's universal waste regulations to include provisions to allow waste paint to be managed as a universal waste in the State. These proposed revisions are necessary to implement the Postconsumer Paint Collection Program law that was enacted in 2020. This law is designed to facilitate the collection and recycling of waste paint. The addition of waste paint as a universal waste will help streamline the paint recycling process and create new jobs in the paint recycling sector. A recycler has already approached DEC about potentially locating a paint recycling facility in the State.

The proposed rulemaking is not expected to cause a decrease in the number of full-time jobs and employment opportunities which would otherwise be available to the residents of the State in the next two years. Therefore, adoption of these requirements will have no significant impact on jobs in the State.

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

Neversink River Riparian Corridor

I.D. No. ENV-45-22-00020-P

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

Proposed Action: Amendment of section 190.39; addition of section 190.40 to Title 6 NYCRR.

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

Subject: Neversink River Riparian Corridor.

Purpose: To protect public health, safety and natural resources on the Neversink River Riparian Corridor.

Text of proposed rule: 6 NYCRR section 190.39 is amended as follows:

Section 190.39 [Severability] *Neversink River Riparian Corridor*
[a provision of this Part or its application to any person or circumstance is determined to be contrary to law by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Part or the application to other persons and circumstances.] *In addition to other applicable general provisions of this Part, the following requirements apply to the Neversink River Riparian Corridor. In the event of a conflict between this section and another section of this Part, the more restrictive provision will control.*

(a) *Description.* For the purposes of this section, the Neversink River Riparian Corridor means all those state forest preserve lands lying and situated within 300 feet on either side of the centerline of the Neversink River situated within the property formerly known as “Camp Pine” adjacent to the west side of County Route 19, Claryville Road, in the Town of Neversink, Sullivan County. The Neversink River Riparian Corridor begins at the New York State land boundary where the state land’s southeastern boundary intersects the Neversink River, thence heading north for approximately 4,400 feet, and ending where the state land boundary’s northeastern border intersects the Neversink River, encompassing lands designated by the department as the Sundown Wild Forest of the Catskill Park.

(b) No person shall possess coolers larger than 12 inches in any dimension, or alcoholic beverages within the Neversink River Riparian Corridor. No person shall possess a glass container within the Neversink River Riparian Corridor, except when necessary for the storage of prescribed medicines.

(c) No person shall enter the Neversink River Riparian Corridor between one-half hour after sunset and one-half hour before sunrise except for: (1) licensed anglers for the purpose of fishing; (2) licensed hunters and trappers for the purpose of hunting or trapping; (3) persons otherwise authorized by permit issued by the department.

(d) No person shall kindle, build, maintain, or use a fire within the Neversink River Riparian Corridor, including, but not limited to, charcoal fires, wood fires, gas grills, propane stoves or other portable stoves.

(e) No person shall play a musical instrument or audio device within the Neversink River Riparian Corridor, including, but not limited to, radios, tape players, compact disc or digital players, unless the noise is rendered inaudible to the public by personal noise-damping devices such as headphones or earbuds.

(f) No person shall deposit or cause to be deposited any solid waste, garbage, food waste, human wastes or other sanitary waste products within the bounds of the Neversink River Riparian Corridor except at facilities provided and designated by the department.

A new section 190.40 is added as follows:

6 NYCRR section 190.40 Severability

If a provision of this Part or its application to any person or circumstance is determined to be contrary to law by a court of competent jurisdiction, such determination shall not affect or impair the validity of the other provisions of this Part or the application to other persons and circumstances.

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

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

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

Additional matter required by statute: A Short EAF was completed in compliance with Article 8 of the ECL.

Regulatory Impact Statement

Statutory authority:

Environmental Conservation Law (“ECL”) section 1-0101(3)(b) directs the Department of Environmental Conservation (Department) to guarantee “that the widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintentional consequences.” ECL section 3-0301(1)(b) gives the Department the responsibility to “promote and coordinate management of . . . land resources to assure their protection, enhancement, provision, allocation, and balanced utilization consistent with the environmental policy of the state and take into account the cumulative impact upon all such resources. . . in promulgating any rule or regulation.” ECL section 3-0301(1)(d) authorizes the Department to “provide for the care, custody and control of the Forest Preserve.” ECL section 9-0105(1) provides that the Department shall “[e]xercise care, custody, and control of the several preserves, parks and other state lands described in [Article 9 of the ECL],” which includes Forest Preserve lands. Article XIV, Section 1 of the New York State Constitution provides that the lands of the Forest Preserve “shall be forever kept as wild forest lands.” ECL section 3-0301(2)(m) authorizes the Department to adopt rules and regulations “as may be necessary, convenient or desirable to effectuate the purposes of [the ECL],” and ECL 9-0105(3) authorizes the Department to “[m]ake necessary rules and regulations to secure proper enforcement of [ECL Article 9].”

2. Legislative objectives:

Paragraph 1 of section 3 of Article XIV of the New York State Constitution provides that “forest and wildlife conservation are . . . policies of the State.” Article XIV, section 1 of the New York State Constitution provides that the lands of the Forest Preserve “shall be forever kept as wild forest lands,” and ECL sections 3-0301(1)(b) and 9-0105(1) give the Department

jurisdiction to manage Forest Preserve lands. The Department is also authorized to promulgate rules and regulations for the use of such lands (see ECL sections 3-0301(2) (m) and 9-0105(3)).

The objective of this legislation is to authorize the Department to adopt regulations for the protection of the Forest Preserve. Consistent with this authority, the proposed regulations are crafted to protect natural resources and the health and safety of those who engage in recreational activities within the Neversink River Riparian Corridor of the Forest Preserve in the Catskill Park.

3. Needs and benefits:

The Neversink River Riparian Corridor is an area encompassing approximately 44 acres of Forest Preserve lands straddling the Neversink River along Claryville Road (Sullivan County 19) in the Town of Neversink in Sullivan County. The 44-acre Neversink River Riparian Corridor is part of the 231-acre former Camp Pine property that was acquired by the Department in 2011. The 44-acre Corridor runs along the eastern edge of the 231-acre property.

The 231-acre Camp Pine parcel was originally acquired in December 1949 by what is now known as Cornell Cooperative Extension Association of Sullivan County. Until 1980 the parcel was used as a rustic outdoor educational facility formerly known as Camp Pine. The property was managed as a working forest for two decades until it was conveyed to the Department in 2009 at which time public access was permitted. The parcel has more than 4,400 feet of frontage along both shores of the Neversink River and can be accessed from Claryville Road in the Town of Neversink. A parking lot near the parcel can accommodate six vehicles.

The Corridor is part of a remote area in the heart of the Catskill Park and New York City’s Catskill and Delaware watershed. The Neversink River flows into the Neversink Reservoir, an important drinking water supply for New York City. Due to the high quality of the Catskill and Delaware water supply, New York City is one of only five large cities in the country with a surface drinking water supply of such high quality that filtration is not required as a form of treatment. The proposed regulations will help reduce human waste in the area and protect water quality in the Neversink River.

The Camp Pine parcel experienced a dramatic increase in visitation during the 2020 season. Public complaints concerning overuse, traffic safety issues with parking along the County highway, garbage, and human waste on Camp Pine increased significantly in 2020 and 2021. Department staff met several times with local municipal officials and the community during the summer of 2020. During 2020, the Department posted signage, placed a port-a-john at the site, and undertook weekly garbage clean-ups. The County posted “No Parking” signs along a 1.3-mile section of Sullivan County Route 19, and local law enforcement has expressed a willingness to assist with enforcement. The Town of Neversink Town Board also requested that the Department adopt rules and regulations to restrict fires, audio devices and glass containers.

Despite the Department’s attempts to address the area’s issues stemming from overuse, public use continued to exceed the area’s carrying capacity, perpetuating unsanitary conditions, threats to water quality, increased trampled vegetation and dramatic degradation of the wild character of the area.

Due to the significant increase in public use, certain areas within the Corridor are experiencing rapid degradation of natural resources and serious public health and safety issues are being created. The trampling of vegetation has exposed and compacted the soil. Trees are being stripped of their limbs for firewood, and indiscriminately located campfires are creating numerous carbon scars on the ground. Garbage, trash, and broken glass are despoiling the wild character of these areas and raising public health and safety concerns. The use of audio devices, especially throughout the evening and night, have interfered with the Corridor’s quiet and solitude. Moreover, the Town of Neversink indicates that Claryville Road may not be passable by emergency service vehicles because of illegally parked cars, and visitors sometimes stand in the road, putting themselves and passing motorists at risk.

Both the Town of Neversink, local residents, and the Department agree that the Department should develop special regulations for the Neversink River Riparian Corridor because existing Part 190 regulations for state lands do not adequately address public health, safety and natural resource degradation issues that are unique to the Neversink River Riparian Corridor.

The proposed regulations define the Neversink River Riparian Corridor as a 600 foot wide corridor on New York State Forest Preserve lands lying and situated within 300 feet on either side of the centerline of the Neversink River situated within the property formerly known as “Camp Pine” adjacent to the west side of County Route 19, Claryville Road, in the Town of Neversink, Sullivan County. The Neversink River Riparian Corridor begins at the New York state land boundary where the state land’s southeastern boundary intersects the Neversink River, thence heading north for approximately 4,400 feet, and ending where the state land bound-

ary’s northeastern border intersects the Neversink River, encompassing lands designated by the Department as the Sundown Wild Forest of the Catskill Park.

To address the problem of broken glass and improper behavior, the regulations will prohibit the use of coolers over 12” in any dimension, alcoholic beverages, and glass containers in the Corridor, except when necessary to store prescription medications. The regulations will prohibit the use of audio devices in the Corridor, helping to restore quiet and solitude for the public. Fires of any kind, including portable stoves, will be prohibited in order to reduce carbon scarring and tree cutting.

The regulations will also restrict the hours of public use in the area, with an exception for licensed hunters, anglers, and otherwise authorized persons, to one half hour before sunrise to one half hour after sunset, thereby reducing or eliminating abusive activity at the site by prohibiting the public from being in the area at night, when the greatest amount of abusive activity occurs. The regulations will also protect public health and safety by requiring the public to leave the area at times when sufficient daylight allows for safe passage over uneven and steep terrain.

Local law enforcement and public safety officials are the first responders to incidents on this property. Local governments support the regulatory proposal and local law enforcement agencies have expressed a willingness to assist the Department with enforcement.

Department staff have met several times during the summer of 2020 with local government officials and the community on the proposed actions needed to address issues within the Corridor. The Catskill Park Advisory Committee has also been made aware of the Department’s intent to propose regulations for the Neversink River Riparian Corridor. Information regarding the Department’s intent to propose the regulation, content of the regulation and the public process associated with the rulemaking will appear in a widely-distributed newspaper in the area. All regulatory documents will appear on the Department’s website.

4. Costs:

No costs to the regulated community are anticipated to result from the adoption of the proposed regulations. Costs to the state for the additional management actions are minimal and are estimated as follows: \$4,000 for a kiosk and new signage; \$2,500/year for port-a-john rental/service.

5. Local government mandates:

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

6. Paperwork:

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

7. Duplication:

There is no duplication, conflict, or overlap with state or federal regulations.

8. Alternatives:

The no-action alternative is not feasible since it does not adequately protect the Neversink River Riparian Corridor from overuse and abuse and does not protect public health and safety. Reliance on Part 190 regulations for state lands are inadequate in protecting public health, safety and natural resources on the Neversink Riparian Corridor because of its unique characteristics, remote location and high level of public use.

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

9. Federal standards:

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

10. Compliance schedule:

Once the regulations are adopted, they are effective immediately, and all persons will be expected to comply with them upon their effective date. The Department will seek to educate the public about the regulations through information posted on the Departments’ web site, in a widely-distributed local newspaper, signage posted on the property, and by working with user groups and other stakeholders to help disseminate information regarding the regulations.

Regulatory Flexibility Analysis

The proposed rulemaking will address overuse and protect public health, safety and natural resources on the Neversink River Riparian Corridor while still providing a quality outdoor experience for users. A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted and is not required because the proposal will not impose any reporting, record-keeping or other compliance requirements on small businesses and local governments. The proposed regulation relates solely to protecting public health, safety and natural resources on the Neversink River Riparian Corridor.

Rural Area Flexibility Analysis

The proposed rulemaking will address overuse and protect public health, safety and natural resources on the Neversink River Riparian Corridor

while still providing a quality outdoor experience for users. A Rural Area Flexibility Analysis is not submitted and is not required because the proposal will not impose any reporting, record-keeping or other compliance requirements on rural areas. The proposed regulations relate solely to protecting public health, safety and natural resources on the Neversink River Riparian Corridor.

Job Impact Statement

The proposed rulemaking will address overuse and protect public health, safety and natural resources on the Neversink River Riparian Corridor while still providing a quality outdoor experience for users. A Job Impact Statement is not submitted and is not required because the proposal will have no substantial adverse impact on existing or future jobs and employment opportunities. The proposed regulation relates solely to protecting public health, safety and natural resources on the Neversink River Riparian Corridor.

Commission on Ethics and Lobbying in Government

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

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

I.D. No. ELG-45-22-00024-EP

Filing No. 873

Filing Date: 2022-10-25

Effective Date: 2022-10-25

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

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

Statutory authority: Executive Law, section 94(1)(a), (5)(a), (10) and (11)

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

Specific reasons underlying the finding of necessity: The regulatory amendments are necessary to conform to the Ethics Commission Reform Act of 2022, L 2022, ch 56, § 1, part QQ (“ECRA”) which established the Commission on Ethics and Lobbying in Government (“Commission”) as the agency responsible for administering, enforcing, and interpreting New York State’s ethics and lobbying laws. The regulatory amendments are necessary to facilitate the expeditious and efficient performance of the Commission’s investigative and enforcement duties as set forth in section 94 of the Executive Law, the Commission’s enabling statute.

The emergency rule is necessary for the general welfare to enforce ethics laws that are critical matters of public interest. Therefore, upon Emergency Adoption, these amendments will take effect immediately.

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

Purpose: To conform Part 941 to the new Executive Law section 94 established by the Ethics Commission Reform Act of 2022.

Substance of emergency/proposed rule (Full text is posted at the following State website: <https://ethics.ny.gov/proposed-regulations-and-guidance>): The Emergency Adoption and Proposed Rulemaking amends 19 NYCRR Part 941 to conform the regulations governing the investigative and enforcement adjudicatory process to the new Section 94 of the Executive Law, as established by the Ethics Commission Reform Act of 2022.

Key changes in the law, as set forth in these amendments, provide that a Commission vote is no longer required to initiate an investigation. Instead, Commission staff or the Commission can decide to elevate a preliminary review into an investigation, and staff will present the matter to the Commission for a vote after it has investigated a potential violation(s) of the laws under the Commission’s jurisdiction. At that time, the Commission may vote to proceed to hearing, return the matter to staff for further investigation, close the matter or authorize resolution of the matter through guidance.

The regulatory amendments further conform to and clarify statutory changes relating to the various notices the Commission may send, which

include a Notice of Allegations, Notice of Hearing, and Notice of Closure, Continued Investigation or Guidance, and the requirements of such notices.

Furthermore, this rulemaking clarifies provisions relating to the conduct of hearings and authority of hearing officers and the attorneys for the parties to issue hearing subpoenas.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire January 22, 2023.

Text of rule and any required statements and analyses may be obtained from: Carol Quinn, Commission on Ethics and Lobbying in Government, 540 Broadway, Albany, NY 12207, (518) 408-3976, email: carol.quinn@ethics.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: Executive Law § 94(1)(a) provides the Commission on Ethics and Lobbying in Government (“Commission”) with the responsibility to administer, enforce and interpret New York State’s ethics and lobbying laws, and Subsection 94(5)(a)(i) and (ii) authorize the Commission to adopt, amend and rescind any rules and regulations pertaining to the statutes within its jurisdiction and to adopt, amend and rescind any procedures of the Commission, including procedures for investigations and enforcement. Section 94(10) further authorizes the Commission to adopt rules governing the conduct of adjudicatory proceedings and appeals. In addition, Part 941 sets forth rules for adjudicatory proceedings and appeals relating to potential violations of the laws that fall within the Commission’s jurisdiction, including investigatory matters conducted pursuant to and in accordance with Executive Law § 94(10) and (11).

2. Legislative Objectives: To set forth procedures regarding the conduct of preliminary reviews and investigations in conjunction with adjudicatory proceedings and appeals for matters arising under the Commission’s jurisdiction, as set forth in Section 94 of the Executive Law.

3. Needs and Benefits: This Emergency Adoption and Proposed Rule amends 19 NYCRR Part 941 to conform to new Section 94 of the Executive Law, established by the Ethics Commission Reform Act of 2022, relating to the Commission’s investigative and enforcement process.

4. Costs:

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

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

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

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

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

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

8. Alternatives: Section 94(10)(o) of the Executive law imposes an affirmative duty on the Commission to adopt rules governing the conduct of adjudicatory proceedings and appeals. Therefore, there is no alternative to amending the Commission’s existing regulation if the Commission changes its procedures.

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

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

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted with this Notice of Emergency Adoption and Proposed Rulemaking because the rulemaking will not impose any adverse economic impact on small businesses or local governments, nor will it require or impose any reporting, recordkeeping, or other affirmative acts on the part of these entities for compliance purposes. The Commission on Ethics and Lobbying in Government makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted with this Notice of Emergency Adoption and Proposed Rulemaking because the rulemaking

will not impose any adverse economic impact on rural areas, nor will it require or impose any reporting, recordkeeping, or other affirmative acts on the part of rural areas. The Commission on Ethics and Lobbying in Government makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities. Rural areas are not affected.

Job Impact Statement

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

Department of Financial Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Consolidated Rulemaking Regarding Peer-to-Peer Car Sharing

I.D. No. DFS-45-22-00023-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 27, 169, 216, Subparts 60-1, 60-2, 65-1, 65-3, 65-4; addition of Subpart 60-4 to Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Insurance Law, sections 301, 2105, 2118, 2305, 2307, 2334, 2335, 2601, 3420, 3458, 3459, 3460, 5102, 5103, 5105, 5106, arts. 23, 51; General Business Law, art. 40; L. 2021, ch. 795; L. 2022, ch. 129

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

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

Substance of proposed rule (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/emergency_insurance): Section 27.5(d)(3) is added to provide that an excess line insurance placement may be completed and executed by an excess line broker or producing broker, on behalf of shared vehicle owners and shared vehicle drivers of a peer-to-peer car sharing program administrator, when a group policy has been obtained by an administrator as the group policyholder pursuant to Insurance Law section 3458, with respect to coverages provided without option by the group policyholder.

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

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

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

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

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

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

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

Section 60-2.0(d)(3) is amended to make technical amendments and a new paragraph (4) is added to provide that the terms "group policy", "peer-to-peer car sharing period", "peer-to-peer car sharing program", "peer-to-peer car sharing program administrator", and "shared vehicle driver" have the meanings set forth in General Business Law section 900.

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

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

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

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

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

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

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

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

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

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

Section 65-4.11(a)(2) is amended to reference section 65-3.12(b)(4).

Section 169.1(d)(1) is amended to make technical amendments and provide that no points or surcharge may be imposed for an accident occurring when an insured or other resident in the insured's household has had

an accident while, pursuant to General Business Law Article 40, the insured or other resident was operating a shared vehicle through a peer-to-peer car sharing program during the peer-to-peer car sharing period, unless the policy is providing coverage for such operation of the motor vehicle. If the coverage is provided pursuant to an endorsement, then the insurer may impose a surcharge on the separate premium for the endorsement.

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

Text of proposed rule and any required statements and analyses may be obtained from: Joana Lucashuk, Department of Financial Services, One State Street, New York, NY 10004, (212) 480-2125, email: Joana.Lucashuk@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: The Superintendent's authority to promulgate this rulemaking derives from Financial Service Law ("FSL") sections 202 and 302, Insurance Law ("IL") sections 301, 2105, 2118, 2305, 2307, 2334, 2335, 2601, 3420, 3458, 3459, 3460, 5102, 5103, 5105, and 5106 and Articles 23 and 51, General Business Law ("GBL") Article 40, Chapter 795 of the Laws of 2021 ("Chapter 795"), and Chapter 129 of the Laws of 2022 ("Chapter 129").

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

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

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

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

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

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

IL section 3428 governs car sharing group insurance policies.

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

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

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

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

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

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

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

4. Costs: Authorized insurers may incur costs to file new policy rates

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

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

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

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

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

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

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

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

The Department also considered prohibiting a group policy or certificate from containing a liability insurance deductible. However, after discussing with administrators, the Department decided to permit a group policy to set forth a liability insurance deductible for which the insurer is responsible to pay for damages to third-party claimants and the administrator is solely responsible for reimbursing the insurer up to the amount of the liability insurance deductible.

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

10. Compliance schedule: The rulemaking will take effect upon the publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Small business and local government participation: The Department met with administrators that may be small businesses to discuss certain parts of the rule. The Department also complied with SAPA Section 202-b(6) by posting a draft of the regulation on its website on September 19, 2022 for pre-proposal comment and notifying interested parties, such as administrators that may be small businesses, of the posting. All small businesses and local governments also will have an opportunity to participate in the rulemaking process again when the consolidated rulemaking is published in the State Register and posted on the Department's website for formal public comment.

Rural Area Flexibility Analysis

The Department of Financial Services ("Department") finds that this consolidated rulemaking will not have any adverse economic impact or impose compliance requirements on rural areas. The rulemaking applies uniformly to insurers, licensed excess line brokers, and peer-to-peer car sharing administrators ("administrators") that do business in both rural and non-rural areas of New York State.

Job Impact Statement

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Cybersecurity Requirements for Financial Services Companies

I.D. No. DFS-45-22-00025-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 500 of Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302, 408; Banking Law, sections 10, 14, 37(3), 37(4), 44; Insurance Law, sections 109, 301, 308, 309, 316, 1109, 1119, 1503(b), 1717(b), 2110, 2127, arts. 21 and 47

Subject: Cybersecurity Requirements for Financial Services Companies.

Purpose: To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.

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

With respect to Section 500.1, subdivisions (c-n) have been relettered and new subdivisions (c), (f), (l) and (p) are added. Subdivision 500.1(c) is added to define a new category of covered entities, designated “class A companies,” which are larger, more complex, and better-resourced entities that will be required to implement additional cybersecurity controls. Subdivision 500.1(f) is added to define “independent audit.” Subdivision 500.1(l) is added to define “privileged account.” Subdivision 500.1(p) is added to define “senior governing body.”

Subdivision 500.1(c) is amended to clarify that the definition of covered entity applies to entities that are also regulated by other government agencies. This is not a substantive change.

Subdivision 500.1(f) is amended to eliminate the reference to “text message on a mobile phone.” This is not a substantive change.

Subdivision 500.1(h) is amended to clarify the definition of “penetration testing.” This is not a substantive change.

Subdivision 500.1(i) is amended to remove the reference to non-governmental entities.

Subdivision 500.1(j) is amended to make a technical edit.

Subdivision 500.1(k) is amended to clarify the definition of “risk assessment.” This is not a substantive change.

Subdivision 500.1(l) is amended to remove the reference to challenge questions as an example.

Subdivision 500.1(n) is amended to exclude governmental entities from being third party service providers. This is not a substantive change.

Subdivision 500.2(a) is amended to make a technical edit and clarify that covered entities shall maintain cybersecurity programs designed to protect their information systems and the nonpublic information (“NPI”) stored on those systems. This is not a substantive change.

A new subdivision 500.2(c) is added to require that class A companies conduct an independent audit of their cybersecurity programs at least annually.

Subdivision 500.2(c) is relettered.

Subdivision 500.2(d) is relettered and amended to clarify that covered entities adopting cybersecurity programs of their affiliates must provide the superintendent, upon request, all documentation related to those programs. This is not a substantive change.

The introduction to section 500.3 is amended to make technical edits and require the covered entity’s senior governing body to approve the written cybersecurity policy or policies and procedures at least annually.

Subdivisions 500.3(b), 500.3(c), 500.3(d), 500.3(g), 500.3(h), 500.3(i) and 500.3(n) are amended to make technical edits and require cybersecurity policies and procedures address data retention, end of life management, remote access controls, systems monitoring, security awareness and training, application security, and incident notification.

A new subdivision 500.3(o) is added to require cybersecurity policies and procedures address vulnerability management.

The title of section 500.4 is amended to be entitled “Cybersecurity governance.”

Subdivision 500.4(a) is amended to require that the chief information security officer (“CISO”) have adequate authority to ensure cybersecurity risks are appropriately managed.

Subdivision 500.4(b) is amended to require that the written report provided by the CISO include plans for remediating material inadequacies and to clarify what the written report shall address.

A new subdivision 500.4(c) is added to require the CISO to timely report to the covered entity’s governing body regarding material cybersecurity issues.

A new subdivision 500.4(d) is added to require a covered entity’s governing body exercise oversight of, and provide direction to management on, the covered entity’s cybersecurity risk management, and have, or avail itself of, sufficient expertise and knowledge to exercise effective oversight of cybersecurity risk management.

The title of section 500.5 is amended to be entitled “Vulnerability management.”

The introduction to section 500.5 is amended to require written policies and procedures for vulnerability management and eliminate the exception to the requirements for penetration testing and vulnerability assessments if an entity employs effective continuous monitoring.

Subdivision 500.5(a) is amended to make clarifying edits regarding penetration testing and require such tests be performed at least annually.

Subdivision 500.5(b) is renumbered and amended to make clarifying edits and require automated scans or manual reviews periodically and promptly after major system changes.

A new subdivision 500.5(b) is added to require a monitoring process to ensure covered entities are promptly informed of new security vulnerabilities.

A new subdivision 500.5(c) is added to require covered entities timely remediate vulnerabilities and give priority to remediation based on risk.

A new subdivision 500.5(d) is added to require material issues found during testing be documented and reported to the covered entity’s senior governing body.

The title of section 500.7 is amended to be entitled “Access privileges and management.”

Section 500.7 is amended to add required controls regarding user and privileged accounts, protocols that permit remote control of devices, and passwords. Class A companies are also required to monitor privileged access activity and implement a privileged access management solution and an automated method of blocking commonly used passwords.

Subdivision 500.8(b) is amended to change the requisite timing from periodically to at least annually for reviewing, assessing, and updating written procedures, guidelines, and standards regarding development practices for in-house developed applications, and the security of externally developed applications utilized by the covered entity.

A new subdivision 500.9(c) is added to require covered entities’ risk assessments be updated at least annually and whenever a change in the business or technology causes a material change to their cyber risk.

A new subdivision 500.9(d) is added to require class A companies use external experts to conduct risk assessments at least once every three years.

Subdivision 500.10(a) is amended to make a technical edit.

Subdivision 500.10(b) is amended to require covered entities incorporate the requirements of section 500.4 when relying on an affiliate or third party to assist in complying with Part 500.

Subdivision 500.11(a) is amended to make a technical edit.

Subdivision 500.11(c) is removed because it was duplicative of subdivision 500.19(b). This is not a substantive change.

Subdivision 500.12(a) is amended to make a technical edit.

Subdivision 500.12(b) is amended to make technical edits and require multi-factor authentication for remote access to the covered entity’s information systems, third party applications from which NPI is accessible, and all privileged accounts, except where equivalent or more secure compensating controls have been implemented and approved by the CISO in writing.

A new subdivision 500.12(c) is added to require the CISO to periodically review approvals of compensating controls.

Section 500.13 is amended to be entitled “Asset management and data retention requirements.”

Subdivision 500.13(a) is relettered and amended to make a technical edit.

A new subdivision 500.13(a) is added to require covered entities maintain an asset inventory.

The title of section 500.14 is amended to be entitled “Monitoring and training.”

Subdivision 500.14(a) is amended to make technical edits, incorporate subdivision (b), and require covered entities implement controls that protect against malicious code and provide cybersecurity awareness training that includes social engineering exercises at least annually.

A new subdivision 500.14(b) is added to require class A companies implement, unless the CISO has approved in writing the use of reasonably equivalent or more secure controls, an endpoint detection and response solution to monitor anomalous activity, and a centralized logging and security event alerting solution.

Subdivision 500.15(a) is amended to require covered entities to implement written policies requiring encryption that meets industry standards.

Paragraph 500.15(a)(1) is removed to eliminate the ability to use compensating controls for encryption of NPI in transit.

Paragraph 500.15(a)(2) is relettered and amended to require the CISO’s written approval and review at least annually of the effectiveness of compensating controls used if encryption of NPI at rest is infeasible.

Subdivision 500.15(b) is removed.

The title of section 500.16 is amended to be entitled “Incident response and business continuity management.”

Subdivision 500.16(a) is amended to require written plans that contain proactive measures to investigate and mitigate disruptive events and ensure operational resilience, including incident response, business continuity and disaster recovery (“BCDR”) plans.

A new paragraph 500.16(a)(1) is added that incorporates subdivision 500.16(b) and requires incident response plans to also address recovery from backups and updating the plan as necessary.

A new paragraph 500.16(a)(2) is added to require the covered entities to establish BCDR plans.

A new subdivision 500.16(b) is added to require copies of the plans be made accessible to relevant employees.

A new subdivision 500.16(c) is added to require employee training for implementing the plans.

A new subdivision 500.16(d) is added to require covered entities test their incident response and BCDR plans and ability to restore from backups at a minimum annually, with staff critical to the response including senior officers and the highest-ranking executive at the covered entity, and revise those plans as necessary.

A new subdivision 500.16(e) is added to require covered entities maintain backups that are adequately protected from unauthorized alterations or destruction.

Paragraph 500.17(a)(1) is amended to require notice of a cybersecurity event be submitted to DFS electronically in the form set forth on the department's website ("electronic submission"), and require notifications where an unauthorized user has gained access to a privileged account and cybersecurity events that resulted in the deployment of ransomware within a material part of a covered entity's information system.

A new paragraph 500.17(a)(2) is added to require electronic submission, within 90 days of a notice of cybersecurity event, of any information requested regarding such event.

A new paragraph 500.17(a)(3) is added to require electronic submission of cybersecurity events at third party service providers within 72 hours from the time the covered entity becomes aware of such an event.

Subdivision 500.17(b) is amended to require electronic submission of either a certification of compliance or an acknowledgment of noncompliance that is signed by the covered entity's highest-ranking executive and CISO or the senior officer responsible for its cybersecurity program. Covered entities must maintain information supporting their submissions including all remedial efforts undertaken to address any areas, systems and processes that required material improvement, updating or redesign.

A new subdivision 500.17(c) is added to require covered entities provide electronic notice to the superintendent in the event an extortion payment is made within 24 hours of the extortion payment, and additional information within 30 days of the extortion payment, including a written description of the reasons payment was necessary, a description of alternatives to payment considered, all diligence performed to find alternatives to payment, and all diligence performed to ensure compliance with applicable rules and regulations including those of the Office of Foreign Assets Control.

Subdivision 500.19(a) is amended to expand the limited exemption to include entities with fewer than 20 employees and businesses with less than \$15,000,000 in year-end total assets, and to eliminate section 500.12 from the list of sections the exemption includes. A new subdivision 500.19(e) is added to exempt inactive insurance brokers from the requirements of Part 500.

Subdivision 500.19(e) is relettered and amended to require Notices of Exemption be filed electronically in the form set forth on the department's website.

Subdivision 500.19(f) is relettered and amended to add reciprocal jurisdiction reinsurers that have been recognized pursuant to 11 NYCRR Part 125, individual insurance agents deemed inactive under Insurance law section 2103, and individual licensees placed on inactive status under Banking Law section 599-i to the persons exempt from the requirements of Part 500.

Subdivision 500.19(g) is relettered and amended to change the amount of time covered entities have from the date they cease to qualify for an exemption to comply with all applicable requirements of Part 500 from 180 days to 120 days.

Subdivision 500.20 is amended to define what constitutes a violation of Part 500 and to list the factors the superintendent may take into account when assessing penalties.

Subdivision 500.21 is amended to establish the effective date of the second amendment to Part 500.

New subdivisions 500.22(c), (d) and (e) are added to establish the timeframe covered entities will have from the effective date of the second amendment to Part 500 to comply with its new requirements.

A new section 500.24 entitled "Exemptions from electronic filing and submission requirements" is added to permit covered entities to request an exemption to electronic filing.

Appendices A and B, which are forms for certifications of compliance and notices of exemption, are removed. Such forms will be set forth on the department's website, as is current practice.

Text of proposed rule and any required statements and analyses may be obtained from: Joanne Berman, Department of Financial Services, One State Street, New York, NY 10004, (917) 991-6965, email: Joanne.Berman@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.

Summary of Regulatory Impact Statement (Full text is posted at the following State website: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_fsl):

1. Statutory Authority: Financial Services Law ("FSL") §§ 102, 201, 202, 301, 302, and 408; Banking Law ("BL") §§ 10, 14, 37(3), 37(4), and 44; and Insurance Law ("IL") §§ 109, 301, 308, 309, 316, 1109, 1119, 1503(b), 1717(b), 2110, and 2127 and Articles 21 and 47.

FSL § 102 states that the goals for the Department of Financial Services ("DFS") include the establishment of "a modern system of regulation, rulemaking and adjudication that is responsive to the needs of the banking and insurance industries and to the needs of the state's consumers and residents", and "to promote the reduction and elimination of fraud, criminal abuse and unethical conduct by, and with respect to, banking, insurance and other financial services institutions and their customers."

FSL § 201 grants DFS broad authority to take such actions as are necessary to: ensure the continued solvency, safety, soundness, and prudent conduct of the providers of financial products and services; protect users of financial products and services from financially impaired or insolvent providers of such services; and eliminate financial fraud, other criminal abuse and unethical conduct in the industry.

FSL § 202 establishes the Office of the Superintendent.

FSL § 301 gives DFS broad power "to protect users of financial products and services."

FSL § 302 provides DFS with broad authority to adopt regulations relating to "financial products and services."

FSL § 408 grants DFS authority to levy civil penalties after notice and hearing in addition to any civil or criminal liability provided by law.

BL § 10 gives DFS the authority to supervise and regulate all banking organizations in such manner as to ensure the safe and sound conduct of such business and to maintain public confidence in such business and protect the public interest and the interests of depositors, creditors, shareholders and stockholders.

BL § 14 allows DFS to determine what is an unsafe manner of conducting the business of banking organizations and what is an unsafe condition of a banking organization.

BL § 37(3) allows DFS to require special reports from banking organizations and other organizations subject to BL § 37(3).

BL § 37(4) authorizes DFS to prescribe the form and content of all periodic and special reports except as expressly provided by BL § 37.

BL § 44 gives DFS the ability to issue fines for violations of the BL by entities subject to the BL.

IL § 109 grants DFS the authority to levy fines against persons and entities subject to the IL for violations of the IL and regulations promulgated thereunder.

IL § 301 gives DFS the authority to prescribe, withdraw, or amend regulations that are consistent with the IL.

IL § 308 provides DFS with the authority to make inquiries of entities subject to the IL or mandate the submission of statements in the form and manner of its choosing.

IL § 309 gives DFS the ability to examine insurers, pension funds, retirement systems, and any other organization required by law to make reports to, or that is subject to examination by, DFS.

IL § 316 grants DFS the authority to require filings be made electronically and grant exemptions to the electronic filing upon request.

IL § 1109 provides DFS the authority to promulgate regulations in effectuating the purposes and provisions of the IL and Article 44 of the Public Health Law and may modify the requirements applicable to the contracts between a health maintenance organization and its subscribers.

IL § 1119 gives DFS the authority to promulgate regulations in effectuating the purposes and provisions of the IL and Article 46 of the Public Health Law, which includes the contracts between a continuing care retirement community and its residents.

IL § 1503(b) requires that holding companies that directly or indirectly control an insurer adopt a formal enterprise risk management function and file an enterprise risk report with DFS annually.

IL § 1604(b) requires that authorized domestic property/casualty insurers adopt a formal enterprise risk management function and file an enterprise risk report with DFS annually.

IL § 1717(b) requires that life and accident and health insurance parent corporations adopt a formal enterprise risk management function and file an enterprise risk report with DFS annually.

IL Article 21 sets forth requirements for all insurance producers, adjusters, life settlement brokers, excess line brokers, reinsurance intermediaries, and insurance consultants.

IL § 2110 authorizes DFS to refuse to renew, revoke, or suspend the license of any insurance producer, insurance consultant, adjuster, or life settlement broker if they have, among other things, violated any insurance laws or regulations.

IL § 2127 grants DFS the authority to fine an Article 21 licensee in lieu of revoking or suspending the licensee's license.

IL Article 47 sets forth requirements for municipal cooperative health benefit plans.

2. Legislative Objectives: This amendment is intended to ensure that all financial services providers regulated by DFS continue to have and maintain cybersecurity programs that meet certain minimum cybersecurity standards in order to protect consumers, continue operating in a safe and sound manner, and protect the stability of our financial system.

3. Needs and Benefits: This amendment is necessary to ensure that DFS-regulated entities address new and evolving cybersecurity threats with the most effective cybersecurity controls and best practices to protect consumers' nonpublic information ("NPI"), prevent and mitigate cyberattacks, and ensure DFS-regulated entities continue to operate in a safe and sound manner. DFS consulted with cybersecurity experts and industry groups, considered cybersecurity events reported to DFS, and reviewed cybersecurity treatises, standards, rules, and regulations when drafting this amendment.

This amendment clarifies some definitions, including covered entity, penetration testing, person, risk assessment, and third party service provider, and adds definitions for the terms "class A companies," "independent audit," "privileged account," and "senior governing body." Class A companies are a new category of covered entities that are larger, more complex, and have more resources. The definitions and clarifications were established by reviewing accepted standards and guidance from the National Institute of Standards and Technology ("NIST"), the Center for Internet Security ("CIS"), the Federal Reserve Board, the Federal Financial Institutions Examination Council ("FFIEC"), and the Federal Deposit Insurance Corporation ("FDIC").

This amendment requires class A companies to implement additional cybersecurity controls, such as conducting independent audits of their cybersecurity programs at least annually, monitoring privileged access activity, and using external experts to conduct a risk assessment at least once every three years.

This amendment clarifies that covered entities adopting the cybersecurity program of their affiliates must provide the superintendent, upon request, all documentation related to that program regardless of whether the affiliate is regulated by DFS.

This amendment requires the board of directors or equivalent governing body to approve written cybersecurity policies and procedures at least annually and that those policies address data retention, end of life management, remote access controls, systems monitoring, security awareness and training, application security, incident notification, and vulnerability management. These changes are necessary because cybercriminals have been able to access NPI maintained by DFS-regulated entities that have failed to: replace systems that are no longer supported; secure ports that allow remote access; monitor abnormal system activity; secure applications; properly implement MFA for remote access by authorized users; and remediate vulnerabilities in a timely manner. As cyber threats change rapidly, policies and procedures must be reviewed at least annually to ensure current threats are being addressed effectively.

This amendment adds requirements regarding cybersecurity governance, including requiring that the chief information security officer ("CISO") has adequate authority to ensure cybersecurity risks are appropriately managed, the CISO's annual written report to the covered entity's senior governing body include plans for remediating material deficiencies, the CISO timely report to the covered entity's senior governing body material cybersecurity issues, and the governing body has, or avails itself of, sufficient expertise and knowledge to exercise effective oversight of cybersecurity risk management. Provisions requiring board members to understand cyber activities and risks, oversee major projects related to cybersecurity, review and approve a strategic plan for cybersecurity, and receive appropriate information from sources both internal and external to the entity are supported by guidance from the FFIEC.

This amendment changes the requisite timing of penetration testing to be at least annually and adds requirements for automated scans or manual reviews periodically and promptly after major system changes, a monitoring process to ensure covered entities are promptly informed of new security vulnerabilities, covered entities to timely remediate vulnerabilities and give priority to remediation based on risk, documentation of material issues found during testing, and reporting of those issues to the covered entity's senior governing body.

This amendment adds required controls regarding user and privileged accounts, including limiting the number of them and their functions, to reduce and mitigate the threat of successful ransomware and other cyberattacks. For the same reasons, it also requires covered entities to disable or securely configure all protocols that permit remote control of devices. Class A companies are further required to monitor privileged access activity and implement a privileged access management solution and an automated method of blocking commonly used passwords.

This amendment adds requirements to update risk assessments at least annually and whenever a change in the business or technology causes a material change to the covered entity's cyber risk.

This amendment requires covered entities to incorporate the requirements of section 500.4 in addition to section 500.11 when relying on an affiliate or third party to assist in complying with Part 500.

This amendment requires the use of multi-factor authentication ("MFA"), except where equivalent or more secure compensating controls have been implemented and approved by the CISO in writing, for all privileged accounts and for remote access to the covered entity's information systems and third party applications from which NPI is accessible. In addition, this amendment requires the CISO to periodically, but at a minimum annually, review approvals of compensating controls. These requirements are based on recommendations and guidance on ransomware from many cybersecurity experts and agencies including CIS and the Cybersecurity and Infrastructure Security Agency ("CISA").

This amendment adds requirements regarding the implementation of written policies and procedures regarding asset inventory management and maintenance.

This amendment adds a requirement to implement controls that protect against malicious code and provide cybersecurity awareness training that includes social engineering exercises at least annually. These requirements are in accordance with guidance from CIS, CISA, and the Conference of State Bank Supervisors, among others. Class A companies are further required to implement, unless the CISO has approved in writing the use of reasonably equivalent or more secure access controls, an endpoint detection and monitoring solution and a solution that centralizes logging and security event monitoring.

This amendment eliminates a CISO's ability to review and approve compensating controls for encryption of NPI in transit as DFS has not seen an acceptable, effective compensating control that replaces encryption for data in transit. The CISO's ability to review and approve compensating controls for encryption of data at rest remains but this amendment requires such approval to be in writing.

This amendment requires written plans that contain proactive measures to investigate and mitigate disruptive events and ensure operational resilience, including incident response and business continuity and disaster recovery ("BCDR") plans. Copies of these plans must be made accessible to relevant employees, who are required to be trained on how to implement these plans. The amendment also requires covered entities to test the plans with senior management and staff critical to a response as well as to test the ability to restore systems from backups which must be adequately protected from unauthorized alterations or destruction. Tests must be conducted at least annually and be updated as necessary. These requirements are based on recommendations from CISA, other agencies, and many other cybersecurity experts.

This amendment provides for electronic filing of the forms required to be submitted pursuant to Part 500 and adds a section permitting entities to request an exemption to electronic filing as required by IL § 316. The amendment also eliminates Appendices A and B, which are forms for Certifications of Compliance and Notices of Exemption. Covered entities have been submitting these forms electronically through the department's website so these amendments reflect current practice.

This amendment also allows covered entities to file, instead of a Certification of Compliance, an acknowledgement of noncompliance, which requires a description of the nature and extent of noncompliance and the identification of all areas, systems, and processes that require material improvement, updating, or redesign. Further, it requires that the certification or acknowledgement be signed by the highest-ranking executive at the covered entity and the CISO or, if the covered entity does not have a CISO, the senior officer in charge of cybersecurity. This change is being made to enable covered entities who cannot certify compliance with all sections of Part 500 to submit their reasons for not being able to certify as well as their timelines and plans to come into compliance with Part 500. It also eliminates the need for DFS to follow-up with every covered entity that has not submitted a certification.

This amendment adds a requirement that covered entities notify the superintendent of cybersecurity events where a privileged account has been accessed by an unauthorized user or where the cybersecurity event resulted in the deployment of ransomware within a material part of a covered entity's information systems. Further, covered entities affected by a cybersecurity event at a third party service provider are required to notify the superintendent no later than 72 hours from the time the covered entity becomes aware of such cybersecurity event. Covered entities must also provide updates and supplemental information for cybersecurity events reported.

This amendment adds a requirement to notify the superintendent if an extortion payment is made and to provide an explanation of why the payment was necessary, a description of alternatives to payment considered, all diligence performed to find alternatives to payment, and all diligence performed to ensure compliance with applicable rules and regulations including those of the Office of Foreign Assets Control. Such reporting requirements are consistent with the reporting framework established by

the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (“CIRCIA”), which was passed on March 15, 2022.

This amendment expands those that fall within the small business exemption under § 500.19(a) and eliminates § 500.12 from the list of exempted sections. This amendment also extends the list of entities exempted from the requirements of Part 500 to include accredited reciprocal jurisdiction reinsurers pursuant to 11 NYCRR Part 125, individual insurance agents who are placed in inactive status under IL § 2103, and individual licensees placed on inactive status under BL § 599-i. This amendment also exempts individual insurance brokers subject to IL § 2104 who do not otherwise qualify as a covered entity and do not operate, maintain, utilize or control any information systems, and do not own, access, generate, receive or possess NPI and have not for any compensation, commission or other thing of value acted or aided in any manner in soliciting, negotiating or selling any insurance or annuity contract or in placing risks or taking out insurance on behalf of another for at least one year. It also decreases the time permitted to come into compliance with Part 500 to 120 days if a covered entity no longer qualifies for an exemption.

This amendment defines what constitutes a violation of Part 500 and lists the factors the superintendent considers when assessing penalties pursuant to Part 500 in order to improve transparency. These factors include those listed in BL § 44(a).

This amendment eliminates Appendices A and B, which are forms for Certifications of Compliance and Notices of Exemption, and adds a section regarding exemptions from electronic filing and submission requirements since this amendment requires the aforementioned forms to be submitted electronically.

4. Costs: This amendment may increase costs for some DFS-regulated entities because, if they are not already doing so, they may have to: maintain policies for data retention, end of life management, remote access controls, systems monitoring, security awareness and training, application security, incident notification, and vulnerability management; conduct automated scans or manual reviews periodically and promptly after major system changes; establish a monitoring process for new security vulnerabilities; timely remediate vulnerabilities; utilize MFA for remote access to information systems, third party applications and all privileged accounts except where equivalent or more secure compensating controls have been implemented and approved by the CISO in writing; maintain an asset inventory; implement controls that protect against malicious code; provide cybersecurity awareness training that includes social engineering exercises; test incident response and BCDR plans with senior management including the most senior executive at the covered entity; test the ability to restore systems from backups; and maintain backups that are that are adequately protected from unauthorized alterations or destruction. Costs may increase for covered entities that pay a ransom as they will be required to provide notice and explanation of the payment to the superintendent.

For certain larger companies that are covered entities, costs may further increase. Class A companies must conduct: an independent audit of their cybersecurity programs; systematic scans or reviews of information systems reasonably designed to identify publicly known cybersecurity vulnerabilities at least weekly; and use external experts to conduct a risk assessment at least once every three years. Such companies also need to: monitor privileged access activity; implement an endpoint detection and response solution to monitor anomalous activity and a centralized logging and security event alerting solution unless the CISO approves in writing the use of reasonably equivalent or more secure controls or tools; and implement a privileged access management solution and an automated method of blocking commonly used passwords unless the CISO approves in writing at least annually the use of reasonably equivalent or more secure compensating controls. These requirements may increase costs for Class A companies that are not already implementing the security measures contained in this amendment. These larger entities have more data to protect, can afford to implement more expensive and stringent controls, and a cyberattack at one of these entities is likely to affect more NYS companies and consumers.

At the same time, this amendment may decrease costs for certain covered entities that will be exempt from the requirements of Part 500, including reciprocal jurisdiction reinsurers, certain inactive insurance agents and brokers, and certain inactive individual banking licensees, provided they do not otherwise qualify as a covered entity. Further, this amendment increases the number of smaller DFS-regulated entities that will qualify for a limited exemption.

It is also anticipated that the costs of compliance will be offset when the required controls prevent or mitigate cyberattacks.

Local governments should not incur additional costs from this amendment. DFS may incur costs to review new filings regarding extortion payments. However, any additional costs incurred should be minimal and DFS should be able to absorb such costs in its ordinary budget. Moreover, DFS’s costs should decrease because the new option to file an

acknowledgment of noncompliance in lieu of a certification of compliance will eliminate time spent following up with entities that were not qualified to file certifications of compliance.

5. Local Government Mandates: This amendment does not impose any new programs, services, duties, or responsibilities on local government.

6. Paperwork: This amendment adds a requirement that covered entities provide the superintendent with notice when an extortion payment is made, along with a written description of the reasons for, and alternatives to, payment among other things. This amendment will also permit covered entities to submit an acknowledgement of noncompliance instead of a certification of compliance.

7. Duplication: There may be duplicative requirements for some DFS-regulated entities that are subject to the requirements of 11 NYCRR Part 421 (“Part 421”) which requires persons “licensed, or required to be licensed, or authorized, or required to be authorized, or registered, or required to be registered pursuant to the Insurance Law of this State; a health maintenance organization holding, or required to hold, a certificate of authority pursuant to article 44 of the Public Health Law; or an unauthorized insurer in regard to the excess line business conducted pursuant to section 2118 of the Insurance Law and Part 27 of Regulation 41” to implement a comprehensive written information security program. Part 421 also requires such persons and entities to identify reasonably foreseeable threats leading to disclosure of consumer information, design an information security program to control the identified risks, train staff, and test key controls regularly. The provisions in this amendment are much more specific than those in Part 421 and are necessary to ensure that those DFS-regulated entities not subject to the Part 421 also implement an effective cybersecurity program to protect consumers, continue operating in a safe and sound manner, and protect the stability of our financial system.

There may be duplicative requirements for some DFS-regulated entities that are subject to the requirements of 23 NYCRR Part 200, which only applies to those engaging in virtual currency business. To reduce the duplication of requirements, this amendment incorporates some of the requirements of Part 200.

There may be duplicative requirements for some DFS-regulated entities that are subject to the requirements of the Gramm-Leach-Bliley Act (“GLBA”). The Act requires the Federal Trade Commission (“FTC”), the Securities Exchange Commission, and other federal agencies to implement regulations that safeguard the security and confidentiality of customer information, protect against anticipated threats or hazards to the integrity of such information, and protect against unauthorized access to such information which could result in substantial harm or inconvenience to any customer. Although the GLBA applies to “any [financial] institution the business of which is engaging in financial activities,” and therefore applies to DFS-regulated entities, the provisions in this amendment are more specific than those in the GLBA and are necessary to ensure that those DFS-regulated entities not subject to the GLBA also implement an effective cybersecurity program to protect consumers, continue operating in a safe and sound manner, and protect the stability of our financial system.

There may be duplicative requirements for some DFS-regulated entities that are subject to the requirements of the Federal Trade Commission’s Safeguards Rule (“Safeguards Rule”). The Safeguards Rule requires covered financial institutions designate a qualified individual to implement and supervise their information security program, conduct a risk assessment, maintain an asset inventory, design safeguards based on the risk assessment, implement MFA, create a written incident response plan, and provide a written annual report to the board of directors or equivalent governing body. The provisions in this amendment are more detailed than those in the Safeguards Rule and are necessary to ensure that those DFS-regulated entities not subject to the Safeguards Rule also implement an effective cybersecurity program to protect consumers, continue operating in a safe and sound manner, and protect the stability of our financial system.

There may be duplicative requirements for some DFS-regulated entities that are subject to the requirements of the Computer-security Incident Notification Requirements for Banking Organizations and their Bank Service Providers (“the Banking Organization Notification Rule”) which was jointly published by the Officer of the Comptroller of the Currency (“OCC”), the Federal Reserve Board, and the FDIC. The rule applies to banking organizations which are national banks, federal savings associations, or federal branches or agencies of foreign banks. Such banking organizations are required to notify the OCC no later than 36 hours after the bank determines a computer-security incident has occurred. The provisions in this amendment are broader than those in the Banking Organization Notification Rule and are necessary to ensure that those DFS-regulated entities not subject to the Banking Organization Notification Rule also implement an effective cybersecurity program to protect consumers, continue operating in a safe and sound manner, and protect the stability of our financial system.

There may be duplicative requirements for some DFS-regulated entities that will be subject to CIRCIA. CIRCIA will require covered entities to

report cyberattacks to CISA within 72 hours and ransomware payments within 24 hours. However, there is currently no definition of what a covered entity is under the law, nor is there a definition for what constitutes a covered cyber incident. CISA is required to implement a final rule by March 15, 2024. The final definition of covered entity under CIRCIA must consider the consequences that compromise of such an entity could cause to national security, economic security, or public health and safety, the likelihood the entity will be targeted for a cyberattack, and if such an attack would enable disruption of critical infrastructure. The final definition of a covered cyber incident must require at least the occurrence of a cyber incident that leads to substantial loss of confidentiality, integrity, or availability of an information system or network, a disruption of business or industrial operations, unauthorized access or disruption of business caused by a compromise of a cloud service provider, managed service provider, or other third-party data hosting provider or by a supply chain compromise. In addition, attacks where the disruptive threat is extortion must be excluded from the definition of covered cyber event under the final rule. Such definitions may not include many entities covered by Part 500 or cyber events they experience, meaning the final rule may not impose reporting requirements deemed essential by DFS.

There may be duplicative requirements for some DFS-regulated entities that will be subject to the Security and Exchange Commission's proposed Cybersecurity Risk Management, Strategy, Governance, and Incident Disclosure rule ("SEC's Proposed Rule"). That proposed rule, which is subject to change, would require public companies to disclose information regarding any material cybersecurity incidents within four business days of the determination that such an event occurred, and to publicly disclose information about their cybersecurity policies and procedures and the cybersecurity expertise of their board members. The provisions in this amendment are broader than those in the SEC's Proposed Rule and are necessary to ensure that those DFS-regulated entities not subject to the SEC's Proposed Rule also disclose information regarding material cybersecurity incidents.

8. Alternatives: DFS considered not amending the regulation, but this was determined to be an unacceptable alternative because of the rapidly evolving cyber threat landscape, including changing costs of cyber events, effectiveness and types of cybersecurity controls, and cybersecurity best practices. DFS posted a draft of the amendment on its website on July 29, 2022, for pre-proposed outreach and, in response to comments received, made changes to certain provisions such as the Class A companies definition, the requirements for vulnerability management and multi-factor authentication, transitional periods and adding an exemption for inactive individual insurance brokers. For the Class A companies definition, a requirement that these entities must have \$20,000,000 in gross annual revenue in each of the last two fiscal years from business operations in New York was added. Some commenters had expressed concern regarding small and medium-sized New York branches of foreign banking organizations being classified as a Class A company. For the vulnerability management requirements, clarifying changes were made in response to questions from commenters regarding whether penetration testing could be performed by internal personnel by stating that penetration testing could be conducted by either internal or external independent parties, and the requirement that Class A companies must conduct weekly systematic scans or reviews was removed and replaced with a requirement that applies for all non-exempt covered entities to conduct scanning at a frequency determined by its risk assessment. For the multi-factor authentication requirements, in response to comments that it would be technically infeasible to implement multi-factor authentication for all technologies and privileged accounts, changes were made to allow the CISO to approve reasonably equivalent or more secure compensating controls. In response to comments requesting additional time for the transitional periods beyond 12 months, additional transitional periods of 18 months and two years were added that apply for certain new requirements. Additionally, a new exemption for inactive individual insurance brokers was added in response to requests from several commenters.

9. Federal Standards: This amendment may exceed some minimum standards established by the GLBA. Section 6807(b) of the GLBA, however, allows states to implement a statute, regulation, order, or interpretation affording protections that are greater than those in the GLBA.

This amendment may exceed some minimum standards established by the Safeguards Rule.

This amendment may exceed some minimum standards set by the Banking Organization Notification Rule.

This amendment may exceed some minimum standards imposed by the final rule promulgated pursuant to CIRCIA and by the SEC's Proposed Rule.

10. Compliance Schedule: Covered entities will have 180 days from publication of the Notice of Adoption of this amendment in the State Register to comply with its requirements, except as otherwise specified in the amendment.

Regulatory Flexibility Analysis

1. Effect of rule: This amendment adds new requirements to ensure that entities regulated by the Department of Financial Services ("DFS") ("covered entities") have and maintain cybersecurity programs that meet certain minimum cybersecurity standards in order to protect consumers, continue operating in a safe and sound manner, and protect the stability of our financial system. Certain covered entities affected by this amendment, such as insurance producers, mortgage brokers, and mortgage bankers, fall within the definition of a "small business" as defined in State Administrative Procedure Act Section 102(8). There are approximately 30,000 business entities licensed as insurance producers, mortgage brokers, and mortgage bankers in New York. Many of these business entities may be small businesses. In addition, industry has asserted that certain insurers, such as mutual and co-op insurers, fall within the definition of a "small business" too.

This amendment does not affect local governments.

2. Compliance requirements: This amendment adds a requirement that covered entities, including covered entities that may be small businesses, provide DFS with notice when an extortion payment is made, along with a written description of the reasons for, and alternatives to, payment, among other things. This amendment will also permit covered entities to submit an acknowledgement of noncompliance instead of a certification of compliance.

This amendment also adds requirements that covered entities, including covered entities that may be small businesses, if they are not already doing so: maintain policies for end of life management, remote access controls, and vulnerability management; conduct vulnerability scans; update risk assessments if a change in the business or technology causes a material change to its cyber risk; utilize multi-factor authentication for all privileged accounts; maintain an asset inventory that tracks certain specified information; monitor and filter emails to block malicious content; provide cybersecurity training and exercises; test incident response plans with senior management, including the highest-ranking executive at the covered entity; test the ability to restore systems from backups; and maintain backups that are isolated from network connections. This amendment does not impose any additional reporting, recordkeeping, or other compliance requirements on any local governments because local governments are not affected by this amendment.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. A covered entity that may be a small business may need professional services to comply with this amendment.

4. Compliance costs: This amendment may increase costs for some covered entities that may be small businesses because, if they are not already doing so, they may have to: maintain policies for end of life management, remote access controls, and vulnerability management; conduct vulnerability scans; update risk assessments if a change in the business or technology causes a material change to its cyber risk; utilize multi-factor authentication for all privileged accounts; maintain an asset inventory that tracks certain specified information; monitor and filter emails to block malicious content; provide cybersecurity awareness training and exercises; test incident response plans with senior management, including the highest-ranking officer at the covered entity; test the ability to restore systems from backups; and maintain backups that are adequately protected from unauthorized alterations or destruction. Costs may increase for covered entities that may be small businesses and that pay a ransom as they will be required to provide notice and explanation of the payment to DFS.

At the same time, this amendment may decrease costs for certain covered entities that may be small businesses that will be exempt from the requirements of 23 NYCRR 500, provided they do not otherwise qualify as a covered entity, including reciprocal jurisdiction reinsurers, certain inactive insurance agents, and certain inactive individual banking licensees. Further, this amendment increases the number of smaller DFS-regulated entities that will qualify for a limited exemption.

It is also anticipated that the costs of compliance will be offset when the required controls prevent or mitigate cyberattacks.

Local governments will not incur additional costs as a result of this amendment because the amendment does not apply to local governments.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact because of the amendment. A covered entity that may be a small business may incur economic and technological impacts as a result of this amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the rulemaking does not apply to any local government. DFS attempted to minimize any adverse impact on covered entities that may be small businesses by providing for exemptions from certain requirements of 23 NYCRR 500.

7. Small business and local government participation: Prior to the July

29, 2022 publication of the pre-proposal amendments, DFS discussed Part 500 with industry and professional groups representing small business at industry conferences and in meetings. Feedback received in those discussions were considered when drafting the proposed amendments. DFS had posted a draft of the amendment on its website on July 29, 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 another opportunity to review and comment on the amendment once it is posted on the DFS website and published in the State Register.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas: Entities regulated by the Department of Financial Services (“DFS”) (“covered entities”) 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 adds a requirement that covered entities, including covered entities that may be in rural areas, provide the superintendent with notice when an extortion payment is made, along with a written description of the reasons for, and alternatives to, payment, among other things. This amendment will also permit covered entities that may be in rural areas to submit an acknowledgement of noncompliance instead of a certification of compliance.

3. Costs: This amendment may increase costs for some covered entities that may be in rural areas because, if they are not already doing so, they may have to: maintain policies for end of life management, remote access controls, and vulnerability management; conduct vulnerability scans; update risk assessments if a change in the business or technology causes a material change to its cyber risk; use multi-factor authentication for all privileged accounts; maintain an asset inventory that tracks certain specified information; monitor and filter emails to block malicious content; provide cybersecurity awareness training and exercises; test incident response plans with senior management, including the highest-ranking officer at the covered entity; test the ability to restore systems from backups; and maintain backups that are adequately protected from unauthorized alterations or destruction. Costs may increase for covered entities that may be in rural areas and that pay a ransom as they will be required to provide notice and explanation of the payment to the superintendent.

For certain larger covered entities (“Class A companies”) that may be in rural areas, costs may increase. Class A companies must conduct: an independent audit of their cybersecurity programs; systematic scans or reviews of information systems reasonably designed to identify publicly known cybersecurity vulnerabilities at least weekly; and use external experts to conduct a risk assessment at least once every three years. Such companies also need to: monitor privileged access activity; implement an endpoint detection and response solution to monitor anomalous activity and a centralized logging and security event alerting solution unless the chief information security officer (“CISO”) approves in writing the use of reasonably equivalent controls; and, if they are employing passwords as a method of authentication, implement a password vaulting solution for privileged accounts and an automated method of blocking commonly used passwords unless the CISO approves in writing the use of reasonably equivalent controls. These requirements may increase costs for Class A companies in rural areas that are not already implementing the security measures contained in this amendment. Class A companies have more data to protect, can afford to implement more expensive and stringent controls, and a cyberattack at one of these companies is likely to affect more New York residents.

At the same time, this amendment may decrease costs for certain covered entities that may be in rural areas that will be exempt from the requirements of 23 NYCRR 500, provided they do not otherwise qualify as a covered entity, including reciprocal jurisdiction reinsurers, certain inactive insurance agents, and certain inactive individual banking licensees. Further, this amendment increases the number of smaller DFS-regulated entities that may be in rural areas that will qualify for a limited exemption.

It is also anticipated that the costs of compliance will be offset when the required controls prevent or mitigate cyberattacks.

4. Minimizing adverse impact: This amendment uniformly affects covered entities throughout New York State. Therefore, it does not impose any adverse impact on rural areas.

5. Rural area participation: Prior to the July 29, 2022 publication of the pre-proposal amendments, DFS discussed Part 500 with industry and professional groups at industry conferences and in meetings. Feedback received in those discussions were considered when drafting the proposed amendments. Interested parties, including those parties in rural areas, will be given an opportunity to review and comment on the amendment once it is posted on the DFS website and published in the State Register.

Job Impact Statement

The Department of Financial Services (“DFS”) finds that this amendment will not have a substantial adverse impact on jobs and employment

opportunities. This amendment is necessary to ensure that all entities regulated by DFS continue to have and maintain cybersecurity programs that meet certain minimum cybersecurity standards in order to protect consumers, continue operating in a safe and sound manner, protect the stability of our financial system, and address new and evolving cybersecurity threats with the most effective cybersecurity controls and best practices.

Office for People with Developmental Disabilities

EMERGENCY RULE MAKING

Certification of the Facility Class Known as Individualized Residential Alternative

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

Filing No. 848

Filing Date: 2022-10-21

Effective Date: 2022-10-21

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

Action taken: Amendment of section 686.16 of Title 14 NYCRR.

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

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

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

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. PDD-07-22-00004-EP, Issue of February 16, 2022. The emergency rule will expire December 19, 2022.

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

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

Regulatory Impact Statement

1. Statutory authority:

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

b. OPWDD has the statutory authority to adopt rules and regulations

necessary and proper to implement any matter under its jurisdiction as stated in the NYS MHL Section 13.09(b).

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

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

2. Legislative objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation amends Title 14 NYCRR Section 686.16 in order to authorize the Commissioner to determine overall capacity of Individualized Residential Alternatives (IRAs) operating throughout the state when there are exigent circumstances.

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

4. Costs:

a. Costs to the agency and to the State and its local governments:

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

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

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements. Additionally, there may be cost savings if multiple locations are condensed into fewer IRAs.

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation authorizes the Commissioner to increase the number of individuals at a particular IRA when there are exigent circumstances. Therefore, there are no new anticipated costs.

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

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

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

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

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

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

Regulatory Flexibility Analysis

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

The proposed regulation amends Title 14 NYCRR Section 686.16 which applies to all providers operating individualized residential alternatives (IRAs) certified, authorized, approved, or operated by OPWDD. This regulation authorizes the Commissioner to determine overall capacity of Individualized Residential Alternatives (IRAs) operating throughout the

state when there are exigent circumstances. This regulation is necessary to protect individuals receiving services at these facilities.

Rural Area Flexibility Analysis

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

The proposed regulation amends Title 14 NYCRR Section 686.16 in order to authorize the Commissioner to determine overall capacity of Individualized Residential Alternatives (IRAs) operating throughout the state when there are exigent circumstances. The regulation will not result in an adverse impact on rural communities because the regulation applies to all IRAs who are certified or operated by OPWDD. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

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

The proposed regulation amends Title 14 NYCRR Section 686.16 in order to allow the Commissioner to increase the capacity at individualized residential alternatives (IRAs) where there are exigent circumstances. The regulation will not result in new compliance requirements for providers. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. The regulation is only to be used in exigent circumstances. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Assessment of Public Comment

The agency received no public comment.

**EMERGENCY
RULE MAKING**

General Purpose

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

Filing No. 847

Filing Date: 2022-10-21

Effective Date: 2022-10-21

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

Action taken: Amendment of section 686.3 of Title 14 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The emergency amendment of section 14 NYCRR 686.3 that authorizes the issuance of operating certificates for supervised community residences, including individualized residential alternatives with more than 14 individuals where there are emergent circumstances and upon approval of the Commissioner, is necessary to protect the health, safety, and welfare of individuals who receive these services. This regulation must be issued by emergency regulation to allow OPWDD the ability to move individuals into facilities with enough staff to take care of them appropriately. Given the increasing spread and transmissibility of COVID-19, OPWDD has had difficulties with meeting minimum staffing requirements. OPWDD serves a vulnerable population and as such has a duty to ensure the services provided meet public health and safety standards which includes safe and appropriate staffing of supervised community residences.

Subject: General Purpose.

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. PDD-07-22-00005-EP, Issue of February 16, 2022. The emergency rule will expire December 19, 2022.

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

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

Regulatory Impact Statement

1. Statutory authority:

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

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

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

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

2. Legislative objectives: The proposed regulations further legislative objectives embodied in MHL sections 13.07, 13.09(b), and 16.00. The proposed regulation amends Title 14 NYCRR Section 686.3 in order to authorize supervised community residences to be issued an operating certificate for more than 14 individuals where emergent circumstances are present and upon approval from the Commissioner.

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

4. Costs:

a. Costs to the agency and to the State and its local governments:

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

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

There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements. Additionally, there may be cost savings if multiple locations are condensed into fewer locations.

b. Costs to private regulated parties: There will not be any anticipated costs to regulated providers to comply with the proposed regulations. The regulation authorizes operating certificates for supervised community residences where there are emergent circumstances and upon approval of the Commissioner. Therefore, there are no new anticipated costs.

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

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

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

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

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

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

Regulatory Flexibility Analysis

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

The proposed regulation amends Title 14 NYCRR Section 686.3 in order to allow operating certificates to be issued for community residences, including individualized residential alternatives with more than 14 individuals where there are emergent circumstances and upon approval of the Commissioner. The regulation will not result in new compliance requirements or additional professional services for providers. There is also no additional paperwork required by the amendment. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. A Regulatory Flexibility Analysis for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses and/or local governments.

Rural Area Flexibility Analysis

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

The proposed regulation amends Title 14 NYCRR Section 686.3 in order to authorize the issuance of operating certificates for supervised community residences, including individualized residential alternatives with over 14 individuals when there are emergent circumstances and upon approval by the Commissioner. The regulation will not result in an adverse impact on rural communities because the regulation applies to all IRAs who are certified or operated by OPWDD. The proposed regulation will not result in costs for regulated parties. Therefore, the amendments will not have any adverse effects on providers in rural areas and local governments.

Job Impact Statement

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

The proposed regulation amends Title 14 NYCRR Section 686.3 in order to allow operating certificates to be issued for community residences, including individualized residential alternatives with more than 14 individuals where there are emergent circumstances and upon approval of the Commissioner. The regulation will not result in new compliance requirements for providers. The regulation is designed to protect individuals when staffing shortages prevent the ability to safely care for an individual receiving services. The regulation is only to be used in emergent circumstances. Thus, the regulation will not have a substantial impact on jobs or employment opportunities in New York State.

Assessment of Public Comment

The agency received no public comment.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of a Half Interest in Utility Poles

I.D. No. PSC-45-22-00018-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 the petition of New York State Electric & Gas Corporation for authorization to sell an interest in its electric utility poles to a group of several telecommunication corporations.

Statutory authority: Public Service Law, section 70

Subject: Transfer of a half interest in utility poles.

Purpose: To determine if the transfer of the ownership interest is in the public interest.

Substance of proposed rule: The Commission is considering the petition filed by New York State Electric & Gas Corporation (NYSEG) on October 19, 2022 for authorization to sell an interest in its electric utility poles to a group of companies consisting of the Deposit Telephone Company, Port Byron Telephone Company and Vernon Telephone Company D/B/A TDS Telecom (collectively, Purchasers).

The petition states that the Purchasers are interested in acquiring a half ownership interest in NYSEG utility poles which the Purchasers currently occupy under NYSEG’s pole attachment tariff provisions. The purchase price for the ownership interest is \$1,093,125, covering 3,975 poles. Under the agreement, NYSEG would continue to receive all rent from third-party (telecommunications, cable, fiber optic) attachers. The petition includes all information required by Commission regulations for petitions filed under Public Service Law § 70.

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

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

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

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

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

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

(22-E-0592SP1)

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

Waiver of Certain Commission Requirements Related to the Distribution of Telephone Directories

I.D. No. PSC-45-22-00019-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 a petition by Oneida County Rural Telephone Company for a waiver of 16 NYCRR 602.10(b) pertaining to the distribution of telephone directories.

Statutory authority: Public Service Law, section 94(2)

Subject: Waiver of certain Commission requirements related to the distribution of telephone directories.

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

Substance of proposed rule: The Commission is considering a petition filed by Oneida County Rural Telephone Company (Oneida) on October 18, 2022, for a waiver of New York Code of Rules and Regulations, Title 16, Section 602.10(b), pertaining to the distribution of telephone directories. In accordance with this rule, Oneida annually publishes and delivers to all customers a printed directory of residential and business white page listings along with yellow page listings.

Oneida requests authorization to discontinue the blanket distribution of “hard copy” directories to all customers. If granted, the requested waiver would allow Oneida to make residential, business, and yellow page directory listings available to customers online, at no charge, or in electronic or printed formats, upon request, at no charge.

Oneida asserts that the waiver will preserve and protect the environment while maintaining the availability of telephone listings at no charge to customers. The same relief has been requested by and granted to Verizon New York, Frontier Communications, Nicholville Telephone Company, State Telephone Company, Pattersonville Telephone Company and Middleburgh Telephone Company in Case Nos. 16-C-0186, 17-C-0013, 20-C-0127, 20-C-0281, 21-C-0054 and 21-C-0492 respectively.

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

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

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

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

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

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

(22-C-0585SP1)

State University of New York

**EMERGENCY
RULE MAKING**

State University of New York Tuition and Fee Schedule

I.D. No. SUN-34-22-00002-E

Filing No. 846

Filing Date: 2022-10-20

Effective Date: 2022-10-20

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

Action taken: Amendment of section 302.1(b) of Title 8 NYCRR.

Statutory authority: Education Law, section 355(2)(b) and (h)

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

Specific reasons underlying the finding of necessity: Amendment of these regulations needs to proceed on an emergency basis because increases to tuition are intended to be effective for the Fall 2022 semester. Billing for these new tuition rates occurs during the summer of 2022; therefore, notice of the new rates needs to occur as soon as possible.

Subject: State University of New York Tuition and Fee Schedule.

Purpose: To amend the Tuition and Fees Schedule of the State University of New York effective for the Fall 2022 semester.

Text of emergency rule: Section 302.1. Tuition and fees at State-operated units of State University.

* * * * *

(b) Tuition charges as listed in the following table for categories of students, terms and programs, and as modified, amplified or explained in footnotes 1 through 13 are effective with the 202[1]2 fall term and thereafter.

Charge per Semester		Charge per Semester credit hour ¹ Special Students	
New York State residents	Out-of-State residents	New York State residents	Out-of-State residents

(1) Students enrolled in degree-granting undergraduate programs leading to an associate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	\$3,535 [\$3,235] \$3,535 ²	\$8,490 \$5,660 ³ \$5,420 ⁴ \$5,750 ⁵ \$5,920 ⁶ \$8,490 ⁷ \$8,915 ⁸ \$4,240 ⁹	\$295	\$708 \$472 ³ \$452 ⁴ \$479 ⁵ \$493 ⁶ \$708 ⁷ \$743 ⁸ \$353 ⁹
(2) Students enrolled in degree-granting undergraduate programs leading to a baccalaureate degree and non-degree granting programs of at least one regular academic term in duration which have been approved as eligible for Tuition Assistance Program Awards	\$3,535 [\$3,235] \$3,535 ²	\$8,490 \$12,495 ¹¹ \$12,455 ¹² \$8,915 ⁸ \$5,305 ¹³ \$4,240 ⁹	\$295	\$708 \$1,041 ¹¹ \$1,038 ¹² \$743 ⁸ \$442 ¹³ \$353 ⁹
(3) Students enrolled in graduate programs (other than Masters of Business Administration, Architecture, Social Work or Physician's Assistant) leading to a Master's, Doctor's or equivalent degree	\$5,655	\$11,550 \$6,785 ⁹ \$8,485 ¹³	\$471	\$963 \$565 ⁹ \$707 ¹³
(4) Students enrolled in a graduate program leading to a Doctorate of Audiology	\$5,170	\$11,775	\$476	\$981
(5) Students enrolled in a graduate program leading to a Masters of Business Administration (MBA)	\$7,500	\$12,195 \$9,000 ⁹	\$625	\$1,016 \$750 ⁹
(6) Students enrolled in a graduate program leading to a Masters of Architecture	\$7,310	\$13,000	\$609	\$1,083
(7) Students enrolled in a graduate program leading to a Masters of Social Work	\$6,540	\$11,105 \$7,850 ⁹	\$545	\$925 \$654 ⁹
(8) Students enrolled in a graduate program leading to a Doctorate of Social Work	\$9,600	\$12,600	\$800	\$1,050
(9) Students enrolled in a graduate program leading to a Masters of Health Administration	\$6,985	\$11,550 \$8,380 ⁹	\$582	\$963 \$698 ⁹
(10) Students enrolled in the professional program of pharmacy	\$13,225	\$18,570	\$1,102	\$1,548
(11) Students enrolled in the professional program of law	\$12,705	\$15,125	\$1,059	\$1,260
(12) Students enrolled in the professional program of medicine	\$21,835	\$32,580	\$1,820	\$2,715
(13) Students enrolled in the professional program of dentistry	\$18,450	\$31,790	\$1,538	\$2,649
(14) Students enrolled in the professional program of physical therapy	\$12,195	\$15,350	\$1,016	\$1,279
(15) Students enrolled in the professional program of optometry	\$14,910	\$25,575	\$1,243	\$2,131
(16) Students enrolled in the professional program of physician assistant	\$8,110	\$14,990	\$676	\$1,249
(17) Students enrolled in the professional programs of doctor of nursing practice	\$12,560	\$16,080 \$15,370 ⁹	\$1,047	\$1,340 \$1,281 ⁹
(18) Students enrolled in the professional programs of doctor of occupational therapy	\$12,195	\$15,350	\$1,016	\$1,279

¹ The Chancellor shall determine the equivalent of a credit hour.
² In accordance with Part [HHH] G of Chapter 5[9]6 of the Laws of 20[17]22, students who are both eligible for, and recipients of, an Excelsior Scholarship from the State of New York are to be charged the resident undergraduate rate of tuition approved by the Board of Trustees in the [2016/17]2022/23 academic year.
³ In accordance with chapter 309 of the Laws of 1996, and enabling ac-

tion by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Alfred is authorized to charge the rate noted effective with the fall 2021 term.

⁴ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Delhi is authorized to charge the rate noted effective with the fall 2021 term.

⁵ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Canton is authorized to charge the rate noted effective with the fall 2021 term.

⁶ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Morrisville is authorized to charge the rate noted effective with the fall 2021 term.

⁷ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge a lower rate for non-resident students enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree. Cobleskill is authorized to charge the rate noted effective with the fall 2021 term.

⁸ In accordance with chapter 56 of the Laws of 2020, Downstate Medical Center, Upstate Medical Center, the College of Environmental Science and Forestry, and the College of Technology at Utica-Rome/State University Polytechnic Institute are authorized to charge this rate for non-resident undergraduate students.

⁹ In accordance with chapter 437 of the Laws of 2015, the Board of Trustees is authorized to establish a new category of tuition for non-resident students enrolled in distance learning courses at SUNY.

¹⁰ In accordance with chapter 309 of the Laws of 1996, and enabling action by the Board of Trustees, the Colleges of Technology at Alfred, Canton, Cobleskill, Delhi, and Morrisville are authorized to charge this lower rate for special students (part-time) enrolled in degree-granting programs leading to an associate degree or in non-degree granting programs and taking classes at off-campus locations or during the summer or winter intercessions. This reduced rate does not apply to those students enrolled in degree-granting programs leading to a baccalaureate degree.

¹¹ In accordance with chapter 54 of the Laws of 2016, the University Centers at Buffalo and Stony Brook are authorized to charge this rate for non-resident undergraduate students.

¹² In accordance with chapter 54 of the Laws of 2016, the University Centers at Binghamton and Albany are authorized to charge this rate for non-resident undergraduate students.

¹³ As authorized by the Board of Trustees (2010-081), Maritime College is authorized to charge up to this rate for non-resident students from states and commonwealths considered to be in-region (Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Mississippi, Maryland, New Jersey, North Carolina, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Virginia, and Washington D.C.).

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. SUN-34-22-00002-EP, Issue of August 24, 2022. The emergency rule will expire December 18, 2022.

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

Regulatory Impact Statement

1. Statutory Authority: Education Law, Sections 355(2)(b) and 355(2)(h). Section 355(2)(b) authorizes the State University Trustees to make and amend rules and regulations for the overall governance of the State University and institutions therein. Section 355(2)(h) authorizes the State University Trustees to regulate the admission of students, tuition charges, other fees and charges, curricula, and all other matters pertaining to the operation and administration of each State-operated institution of the State University.

2. Legislative Objectives: The present measure reflects Board of Trustees actions taken at their July 28, 2022, meeting that are in accordance with Section 355 of Education Law and Part D of Chapter 56 of the Laws of 2022 and support the continued operations of SUNY campuses.

3. Needs and Benefits: The present measure creates a new category of tuition rate for the Doctor of Occupational Therapy (OTD) in the State University of New York.

4. Costs: Students: Tuition rates for all students of SUNY will remain the same, and a new category of tuition for those students enrolled in a program leading to a Doctor of Occupational Therapy (OTD) will be \$12,195 for residents and \$15,350 for non-residents.

5. Local Government Mandates: There are no local government mandates. The amendment does not affect students enrolled in the community colleges operating under the program of the State University of New York.

6. Paperwork: No parties will experience any new reporting responsibilities. SUNY publications and documents containing notices regarding costs of attendance will need to be revised to reflect these changes.

7. Duplication: None.

8. Alternatives: Other modification levels were considered, however, there is no acceptable alternative to the proposed changes when considering competitiveness, programmatic needs, and anticipated costs.

9. Federal Standards: None.

10. Compliance Schedule: The amendment to the tuition schedule will go into effect for the fall 2022 semester.

Regulatory Flexibility Analysis

No regulatory flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on small businesses and local governments. This proposed rule making will not impose any adverse economic impact on small businesses and local governments or impose any reporting, recordkeeping or other compliance requirements on small businesses and local governments.

Rural Area Flexibility Analysis

No rural area flexibility analysis is submitted with this notice because the proposed rule does not impose any requirements on rural areas. The rule will not impose any adverse economic impact on rural areas or impose any reporting, recordkeeping, professional services or other compliance requirements on rural areas.

Job Impact Statement

No job impact statement is submitted with this notice because the proposed rule does not impose any adverse economic impact on existing jobs, employment opportunities, or self-employment. These regulations govern tuition charges for State University of New York and will not have any adverse impact on the number of jobs or employment.

Assessment of Public Comment

The agency received no public comment.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
ENV-45-22-00021-P.....	Adding Aerosol Cans and Paint to NYS Universal Waste Rule	<p>Virtual via Webex—January 11, 2023, 2:00 p.m.</p> <p>Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 370, Part 371, Part 373, Part 374, and Part 376 by November 9, 2022. The proposed regulations webpage for 6 NYCRR Part 370, Part 371, Part 373, Part 374, and Part 376 may be accessed at: https://www.dec.ny.gov/regulations/proprotegrulations.html.</p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the 6 NYCRR Part 370, Part 371, Part 373, Part 374, and Part 376 public comment hearing.</p> <p>The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than Friday, December 30, 2022. The written request must be addressed to ALJ Molly McBride, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Molly McBride at ohms@dec.ny.gov.</p>
Housing and Community Renewal, Division of		
HCR-35-22-00004-P.....	City rent and eviction regulations governing rent control in New York City	<p>One Bowling Green, New York, NY— November 15, 2022, 10:00 a.m.</p> <p>One Larkin Center, 2nd Fl., Yonkers, NY— November 15, 2022, 10:00 a.m.</p> <p>1550 Franklin Ave., 1st Fl., Mineola, NY— November 15, 2022, 10:00 a.m.</p>
HCR-35-22-00005-P.....	Emergency tenant protection regulations regulating residential rents and evictions	<p>One Bowling Green, New York, NY— November 15, 2022, 10:00 a.m.</p> <p>One Larkin Center, 2nd Fl., Yonkers, NY— November 15, 2022, 10:00 a.m.</p> <p>1550 Franklin Ave., 1st Fl., Mineola, NY— November 15, 2022, 10:00 a.m.</p>
HCR-35-22-00006-P.....	State rent and eviction regulations governing statewide rent control	<p>One Bowling Green, New York, NY— November 15, 2022, 10:00 a.m.</p> <p>One Larkin Center, 2nd Fl., Yonkers, NY— November 15, 2022, 10:00 a.m.</p> <p>1550 Franklin Ave., 1st Fl., Mineola, NY— November 15, 2022, 10:00 a.m.</p>
HCR-35-22-00007-P.....	Rent stabilization code regulating residential rents and evictions	<p>One Bowling Green, New York, NY— November 15, 2022, 10:00 a.m.</p> <p>One Larkin Center, 2nd Fl., Yonkers, NY— November 15, 2022, 10:00 a.m.</p> <p>1550 Franklin Ave., 1st Fl., Mineola, NY— November 15, 2022, 10:00 a.m.</p>

Lake George Park Commission

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.

Liquor Authority, State

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.

Long Island Power Authority

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.

Refer to schedule on: www.lipower.org

LPA-37-22-00012-P Authority’s small generator interconnection 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.

Refer to schedule on: www.lipower.org

LPA-37-22-00013-P Authority’s annual budget and retail rates 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.

Refer to schedule on: www.lipower.org

LPA-37-22-00014-P Large Renewable Host Community Benefit 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.

Refer to schedule on: www.lipower.org

LPA-37-22-00015-P Long Island Choice 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.

Refer to schedule on: www.lipower.org

LPA-37-22-00016-P Bill credits and food and medicine spoilage reimbursements during widespread prolonged outages 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.

Refer to schedule on: www.lipower.org

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
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-43-22-00001-P	10/26/23	Service provision under the Expanded In-home Services for the Elderly Program and Home-Delivered Meals.	To provide flexibility in strict compliance with certain requirements relating to client assessments when not practicable.
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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-RP	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

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
CANNABIS MANAGEMENT, OFFICE OF			
OCM-24-22-00014-P	06/15/23	Permitting and regulating Cannabis Laboratories	Regulating and permitting laboratories, analyzing adult-use and medical cannabis, providing results to the Office and licensees, and aiding in the determination that cannabis products reflect potency and meet limits for contaminants
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs	To establish minimum standards to control the spread of COVID-19 at residential congregate programs
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.
CIVIL SERVICE, DEPARTMENT OF			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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.
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.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-45-22-00001-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00002-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00003-P	11/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-22-00004-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-45-22-00005-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00006-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00007-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00008-P	11/09/23	Jurisdictional Classification	To delete a position from the exempt class.
CVS-45-22-00009-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-45-22-00010-P	11/09/23	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-45-22-00011-P	11/09/23	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-45-22-00012-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00013-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt class and to delete from and to classify positions in the non-competitive class
CVS-45-22-00014-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes.
CVS-45-22-00015-P	11/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-22-00016-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CORRECTION, STATE COMMISSION OF			
CMC-43-22-00002-EP	10/26/23	Medication assisted treatment.	Set minimum standards for a program of medication assisted treatment in jails.
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
CCS-08-22-00007-EP	02/23/23	Disposition for violations of the conditions of release	To bring Board regulations into compliance with recent amendments to the Executive Law
CCS-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF			
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
CRIMINAL JUSTICE SERVICES, DIVISION OF			
CJS-32-22-00028-P	08/10/23	NYS Forensic Laboratory Accreditation Standards	To add ISO/IEC 17020 as a standard.
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
EDV-45-21-00001-P	11/10/22	Commercial Production Credit Program	Update regulations to include a third party verification process for application submissions
EDV-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
EDV-42-22-00001-P	10/19/23	Excelsior Jobs Program	To update the additional administrative process of this tax credit program
EDUCATION DEPARTMENT			
EDU-48-21-00008-P	02/17/23	Special education impartial hearing officers and the special education due process system procedures	To address volume of special education due process complaints in the New York City due process system
EDU-22-22-00008-ERP	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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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.
EDU-42-22-00004-P	10/19/23	Student teaching requirements for registered teacher preparation programs and through the individual evaluation pathway.	To extend for one year the timeline for programs to implement the new student teaching requirements
EDU-42-22-00005-P	10/19/23	The definition of “prospective school employee.”	To include individuals who will reasonably be expected to have telephonic communication or interaction with students.
EDU-42-22-00006-EP	10/19/23	Restarting the Accountability System Using 2021-2022 School Year Results	To align the commissioner’s regulations with approved State plan addendum
EDU-42-22-00007-P	10/19/23	Deferment of the declaration of a major by matriculated students for state financial aid purposes	To allow students who matriculate with college credits to have additional time
EDU-42-22-00008-EP	10/19/23	The practice of registered dental assisting.	To conform the Commissioner’s regulations with Chapter 512 of the Laws of 2022 and Chapter 390 of the Laws of 2019.
EDU-42-22-00009-EP	10/19/23	Requirements for members of the standing committee for the Regents examination appeals process.	To provide flexibility on who may serve as a member of the standing committee for the Regents examination appeals process.
ELECTIONS, STATE BOARD OF			
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
ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, NEW YORK STATE			
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).
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-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
ENV-45-22-00020-P	11/09/23	Neversink River Riparian Corridor	To protect public health, safety and natural resources on the Neversink River Riparian Corridor
ENV-45-22-00021-P	01/11/24	Adding Aerosol Cans and Paint to NYS Universal Waste Rule.	Add Federal universal waste provisions relating to aerosol cans and allow waste paint to be managed as a universal waste.

ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON

ELG-43-22-00010-EP	10/26/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction	To streamline and advance the investigative process and facilitate the expeditious and efficient performance of the Commission on Ethics and Lobbying in Government's investigative and enforcement duties as set forth in Section 94 of the Executive Law
ELG-45-22-00024-EP	11/09/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction.	To conform Part 941 to the new Executive Law Section 94 established by the Ethics Commission Reform Act of 2022.

FINANCIAL SERVICES, DEPARTMENT OF

*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-42-21-00011-RP	01/18/23	Disclosure requirements for certain providers of commercial financing transactions	To provide new disclosure rules for small business financings

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-44-21-00015-RP	02/01/23	Compliance With Community Reinvestment Act Requirements	To provide new rules concerning data collection on extension of credit to women-owned and minority-owned businesses
DFS-47-21-00006-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
DFS-45-22-00023-P	11/09/23	Consolidated rulemaking regarding peer-to-peer car sharing	To ensure consumers have appropriate insurance protection when using or operating a vehicle through a car sharing program.
DFS-45-22-00025-P	11/09/23	Cybersecurity Requirements for Financial Services Companies	To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.
GAMING COMMISSION, NEW YORK STATE			
SGC-29-22-00010-P	07/20/23	Comprehensive regulations for interactive fantasy sports	To regulate interactive fantasy sports in New York.
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.
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
HLT-46-21-00005-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors
HLT-07-22-00010-P	02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-07-22-00011-P	02/16/23	Surge and Flex Health Coordination System	Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency
HLT-10-22-00009-P	03/09/23	Updated Retention Standards for Adult Care Facilities	To ensure admission and retention standards for adult care facilities are consistent with the Americans with Disabilities Act
HLT-12-22-00001-P	03/23/23	Clinical Laboratories and Blood Banks	To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel
HLT-12-22-00002-P	03/23/23	Reporting of Acute HIV Infection	To require clinicians to report any case of acute HIV within 24 hours of diagnoses
HLT-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.
HLT-42-22-00002-P	10/19/23	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.
HLT-43-22-00003-EP	10/26/23	Monkeypox Virus to the List of Sexually Transmitted Diseases (STDs)	To add the Monkeypox Virus to the list of sexually transmitted diseases (STDs).

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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.
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.
JUDICIAL CONDUCT, STATE COMMISSION ON			
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
LABOR, DEPARTMENT OF			
*LAB-34-21-00002-EP	11/17/22	New York Health and Essential Rights Act (NY HERO Act)	Airborne Infectious Disease Exposure Prevention Standard
LAB-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations
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
LAB-44-22-00001-P	11/02/23	Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the State Public Employee Occupational Safety and Health Standards
LAKE GEORGE PARK COMMISSION			
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
LAW, DEPARTMENT OF			
LAW-49-21-00016-P	12/08/22	Charities regulatory framework and the use of gendered pronouns therein	Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their"

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LIQUOR AUTHORITY, STATE			
LQR-26-22-00001-P	09/14/23	Ensuring smaller retailers are not unlawfully discriminated against through the charging of exorbitant split case fees	To ensure smaller retailers are not unlawfully discriminated against through the charging of exorbitant split case fees
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
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-17-22-00012-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
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
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
MEDICAID INSPECTOR GENERAL, OFFICE OF			
MED-28-22-00016-P	..... 07/13/23	Medicaid Program Fraud, Waste and Abuse Prevention	To establish requirements for providers to detect and prevent fraud, waste and abuse in the Medicaid Program.
MENTAL HEALTH, OFFICE OF			
OMH-23-22-00021-P	..... 06/08/23	Relating to the certification, operation and reimbursement of clinic treatment programs serving adults and children	To align such program with the State Plan Amendment
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-22-00008-EP	..... 04/20/23	Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & its affiliates and subsidiaries	To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-49-21-00010-EP	..... 12/08/22	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
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
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-22-00004-EP	02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-10-22-00010-EP	03/09/23	Training Flexibilities	To provide flexibility in training requirements
PDD-26-22-00005-P	06/29/23	Gender Identity and Expression	To ensure people are treated with dignity and respect
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PUBLIC EMPLOYMENT RELATIONS BOARD			
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
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-07-06-00009-P exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system

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PUBLIC SERVICE COMMISSION			
*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
*PSC-20-07-00016-P exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing

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PUBLIC SERVICE COMMISSION			
*PSC-21-07-00007-P exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with its AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with its AMI pilot program

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission’s Electric Safety Standards	To consider revisions to the Commission’s Electric Safety Standards
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison’s low income program to include Medicaid recipients	Whether to expand Con Edison’s low income program to include Medicaid recipients
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers
*PSC-50-17-00019-P	..... exempt	Transfer of utility property	To consider the transfer of utility property
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation	To promote and maintain renewable and zero-emission electric energy resources
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspiry for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment	To ensure that customer bills are based on accurate measurements of gas usage
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	..... exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*PSC-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
*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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-21-22-00010-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-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
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-23-22-00024-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-25-22-00005-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-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-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-31-22-00005-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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
PUBLIC SERVICE COMMISSION			
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
PUBLIC SERVICE COMMISSION			
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.
PSC-42-22-00010-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00011-P	..... exempt	Gas system planning.	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives.
PSC-42-22-00012-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00013-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00014-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00015-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00017-P exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-22-00018-P	..... exempt	Demand side management programs.	To consider proposed demand side management programs and cost recovery.
PSC-42-22-00019-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00020-P	..... 10/19/23	Technical amendments of state regulations and administrative corrections.	To align 16 NYCRR Part 753 with recent changes in state laws and clarify the responsibilities of excavators.
PSC-43-22-00006-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-22-00007-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-22-00008-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-22-00009-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-44-22-00002-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-22-00003-P	..... exempt	Proposed draft tariff amendments.	To document and refine moratorium management procedures that seek to minimize hardships in the event a future moratorium occurs.
PSC-45-22-00018-P	..... exempt	Transfer of a half interest in utility poles.	To determine if the transfer of the ownership interest is in the public interest.
PSC-45-22-00019-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards, and public interest.
STATE, DEPARTMENT OF			
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
DOS-42-22-00003-P	..... 10/19/23	Advertising licensed activity of installing, servicing, or maintaining security or fire alarm systems	To provide multi-state security or fire alarm system license holders flexibility to making certain disclosures

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE UNIVERSITY OF NEW YORK			
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.
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-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.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-01-22-00001-EP	01/05/23	2019 Novel Coronavirus (COVID-19) masking requirements in congregate shelters	Protect the well-being of shelter staff and persons staying in congregate shelters
TDA-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
TDA-43-22-00004-P	10/26/23	Repeal of liens against real property as conditions of eligibility for Public Assistance	To update State regulations consistent with the repeal of SSL § 106 pursuant to Part MM of Chapter 56 of the Laws of 2022
TRANSPORTATION, DEPARTMENT OF			
TRN-18-22-00001-P	05/04/23	Regulation of commercial motor carriers in New York State	To repeal or modify obsolete provisions, make technical changes, and implement non-discretionary statutory provisions
URBAN DEVELOPMENT CORPORATION			
UDC-44-22-00004-P	11/02/23	Biodefense Commercialization Fund	To clarify certain aspects of the administration of the Fund, and to ensure consistency with recently updated guidelines
WORKERS' COMPENSATION BOARD			
WCB-09-22-00002-P	03/02/23	Intraoperative Neurophysiological Monitoring	To define IOM and clarify that remote IOM is prohibited except in very limited circumstances
WCB-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

SECURITIES OFFERINGS

STATE NOTICES

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

DEALERS; BROKERS

222 PAB Holdings, LLC
603 E. Broadway St., Prosper, TX 75078
State or country in which incorporated — Florida

3429 West Rochelle, LLC
19 Elizabeth Ridge Rd., Carlisle, MA 01741
State or country in which incorporated — Texas

5700 Borough, LLC
603 E. Broadway St., Prosper, TX 75078
State or country in which incorporated — Texas

Avondale Commons Apartments LLC
3200 Club House Dr., Lehi, UT 84043
State or country in which incorporated — Utah

BioCatch Ltd.
136 Derech Menachem Begin, Tel Aviv-Yafo, Israel 6701104
State or country in which incorporated — Israel

Bozzuto Strategic Multifamily Fund, LLC
6406 Ivy Lane, Suite 700, Greenbelt, MD 20770
State or country in which incorporated — Maryland

Burkland Associates, LLC
12 Shepherd Way, Tiburon, CA 94920
Partnership — California

City Light Capital Management III, LLC
150 E. 52nd St., 24th Fl., New York, NY 10022
State or country in which incorporated — Delaware

Compound Real Estate Bonds, Inc.
1185 Avenue of the Americas, 3rd Fl., New York, NY 10036
State or country in which incorporated — Delaware

Ease Financial Technologies, Inc.
101 Greenwich St., 3rd Fl., New York, NY 10006
State or country in which incorporated — Delaware

Falls At Crimson Commons, LLC
14034 S. 145 E., Suite 100, Draper, UT 84020
State or country in which incorporated — Utah

Iveywood Park 96 Asset, LLC
6401 Carmel Rd., Charlotte, NC 28226
State or country in which incorporated — South Carolina

JWCM Heights West, DST
445 Park Ave., Suite 2101, New York, NY 10022
State or country in which incorporated — Delaware

L'Air Liquide S.A.
Quai d'Orsay, 7th Arrondissement, Paris, France
State or country in which incorporated — France

LBC DFW, LLC
603 E. Broadway St., Prosper, TX 75078
State or country in which incorporated — Wyoming

Loisdale Sidecar OI LP
7768 Woodmont Ave., #204, Bethesda, MD 20814
Partnership — Delaware

Lubert-Adler Workforce Housing Fund II-MB, L.P.
1325 Beach St., Philadelphia, PA 19125
Partnership — Delaware

SSD Murfreesboro Apts LLC
123 Town Sq. Place, Jersey City, NJ 07310
State or country in which incorporated — Tennessee

Sunbelt Diversified Portfolio LLC
1001 S. Dairy Ashford Rd., Suite 350, Houston, TX 77077
State or country in which incorporated — Texas

Vivo Living Durham, LLC
16150 SW. Upper Boones Ferry Rd., Portland, OR 97224
Partnership — Delaware

Weaverland Financial Aid of New York
1466 Route 89, Seneca Falls, NY 13148
State or country in which incorporated — New York

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPAIR ROOF LEAKS Green Haven Correctional Facility Stormville, Dutchess County

Sealed bids for Project Nos. M3124-C, M3124-H and M3124-E, comprising separate contracts for Construction Work, HVAC Work, and Electrical Work, Repair Roof Leaks, Buildings 15 & 59 / Rehabilitate J Block, Green Haven Correctional Facility, Route 216, Stormville (Dutchess County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, November 30, 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 \$48,900 for C, \$20,500 for H, and \$11,700 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 \$1,000,000 and \$2,000,000 for C, between \$250,000 and \$500,000 for H, and between \$100,000 and \$250,000 for E.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten

percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 651 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:00 a.m. on November 16, 2022, at the OGS Trailer, Route 216, East side of Green Haven Correctional Facility, Stormville, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Gina Defreitas (845-227-3829) 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 4% for MWBE participation, 2% for Minority-Owned Business Enterprises ("MBE") participation and 2% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work and an overall goal of 6% for MWBE participation, 3% for Minority-Owned Business Enterprises ("MBE") participation and 3% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC 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, and 0% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

PAVE

FRONT PARKING LOT/NORTHWEST GRAVEL LOT Sagamore Children's Psychiatric Center Dix Hills, Suffolk County

Sealed bids for Project Nos. 46120-C and 46120-E, comprising separate contracts for Construction Work, and Electrical Work, Pave Front Parking Lot & Northwest Gravel Lot, Sagamore Children's Psychiatric Center, 197 Half Hollow Road, Dix Hills (Suffolk County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, November 16, 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 \$82,800 for C, and \$12,200 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 \$2,000,000 and \$3,000,000 for C, 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.

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

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

The substantial completion date for this project is 289 days after the Agreement is approved by the Comptroller.

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

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on November 2, 2022, at the front entrance Lobby area, Building 80, Sagamore Children's Psychiatric Center, 197 Half Hollow Road, Dix Hill, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Bibi Bacchus (718-776-4441) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders

are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, and 3% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

**REPLACE/WATERPROOF
STRUCTURAL DECK/SIDEWALKS**
Binghamton State Office Building
Binghamton, Broome County

Sealed bids for Project No. 47074-C, comprising a contract for Construction Work, Replace Waterproofing Structural Deck & Replace Sidewalks, North Side, Binghamton State Office Building, 44 Hawley Street, Binghamton (Broome County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, December 7, 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 \$80,500 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting on the OGS website, in a newspaper of general circulation, or in the Contract Reporter, of written notice, advertisement or solicitation of offers, through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are Jessica Cook, Jessica Hoffman, and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and to make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental

Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 300 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on November 22, 2022, at the Binghamton State Office Building, 44 Hawley Street, Binghamton, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Matthew Welch (607-721-8716) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available

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

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Division of Criminal Justice Services DNA Subcommittee

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State DNA Subcommittee to be held on:

Date: November 18, 2022

Time: 9:00 a.m. - 11:00 a.m.

Primary Conference Site:

Empire State Development Corporation
(ESDC)

633 3rd Ave.

37th Fl./Conference Rm.

New York, NY

*Identification and sign-in required

Secondary/ Video Conference Sites:

107 College Place, Syracuse, NY

Shapiro Bldg., Rm. 5044

70 Francis St., Boston, MA

Web Streaming information: The webcast information for this meeting will be posted on the Division of Criminal Justice website under the Newsroom, Open Meeting/Webcasts.

<https://www.criminaljustice.ny.gov/pio/openmeetings.htm>

*Identification and sign-in is required at this location. For further information, or if you need a reasonable accommodation to attend this meeting, contact forensiclabs@dcjs.ny.gov, Division of Criminal Justice Services, Office of Forensic Services, 80 Swan St., Albany, NY 12210, (518) 457-1901

PUBLIC NOTICE

Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Title XIX (Medicaid) State Plan for Institutional Services as authorized by § 2826 of New York Public Health Law. The following changes are proposed:

Institutional Services

Effective on or after December 1, 2022, temporary rate adjustments have been approved for services related to providers that are undergoing closure, merger, consolidation, acquisition or restructuring themselves or other health care providers. The temporary rate adjustments have been reviewed and approved for the following Hospital:

Oishei Children's Hospital with aggregate payment amounts totaling up to \$25,000,000 for the period December 1, 2022, through March 31, 2023.

The estimated net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for state fiscal year 2022/2023 is \$25,000,000.

The public is invited to review and comment on this proposed State Plan Amendment, a copy of which will be available for public review on the Department's website at http://www.health.ny.gov/regulations/state_plans/status. Individuals without Internet access may view the State Plan Amendments at any local (county) social services district.

For the New York City district, copies will be available at the following places:

New York County
250 Church Street
New York, New York 10018

Queens County, Queens Center
3220 Northern Boulevard
Long Island City, New York 11101

Kings County, Fulton Center
114 Willoughby Street
Brooklyn, New York 11201

Bronx County, Tremont Center
1916 Monterey Avenue
Bronx, New York 10457

Richmond County, Richmond Center
95 Central Avenue, St. George
Staten Island, New York 10301

For further information and to review and comment, please contact: Department of Health, Division of Finance and Rate Setting, 99 Washington Ave., One Commerce Plaza, Suite 1432, Albany, NY 12210, spa_inquiries@health.ny.gov

PUBLIC NOTICE

Department of State
F-2022-0510

Date of Issuance – November 9, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0510, John Benson, is proposing construct a 2,780sf boathouse. The boathouse is proposed to be 54'-6" long and 51' wide with a single 40' long by 18' wide boat slip. The enclosed portion of the boathouse would be 46' long by 26' wide. On the exterior of the boathouse would be an 8' wide dock on the eastern side, a 16' wide deck on the western side, and an 8' wide dock on the southern side. The boathouse would include 36" wide steps on the eastern side leading to a 58'-6" by 31' observation deck. The observation deck would have 42" high railings. The height of the boathouse as measured from the Ordinary High Water Level to the top of the observation deck railing would be 27'-10". The boathouse would be supported by 48 6" open steel piles. There would also be an 8' wide walkway along the shoreline landward of the Ordinary High Water mark.

In addition, the proposal includes a 30' long by 6' wide floating dock located ~120' west of the proposed boathouse. The floating dock would be accessed by a 4' wide hinged ramp that would be connected to boulders on the shoreline landward of the Ordinary High Water line.

The proposal is associated with a proposed 4,868 square foot three-story house and associated proposed upland residential development including 1,200 gallon septic tank, 767 square foot drain field, 1,000 gal propane tank, well, retaining wall, gravel driveway, crushed stone pathway, shed and a future 3,600sf building. The three-story house would be supported by 12"x12" columns and partially overhang the rock bluff located along the river. The first floor would be located at elevation 267' or ~20' above the Ordinary High Water level of the river and the top of the roof would be located at elevation ~315 or 67' above the Ordinary High Water level of the river.

The proposal is for an ~1.5 acre property located on the St. Lawrence River at 35D Riverledge Road in the Town of Hammond, St. Lawrence County.

The stated purpose of the proposed action is "Boat dockage and storage"

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0510publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or December 9, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0522

Date of Issuance – November 9, 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-2022-0522, the City of Kingston is proposing the replacement of a utility line over the north jetty of Rondout Harbor to the Kingston Roundout Lighthouse. The proposed installation of a new underground electrical conduit and cable, approximately 600 feet, extending from the northwest corner of the parcel to the landward end of the stony jetty. The conduit will transition above grade and be anchored to the top of the northern line of wood piles, approximately 2,300 feet, before entering the lighthouse. A platform with a waterproof disconnection point above base flood elevation on the mainland and a disconnection point at the lighthouse will be constructed to allow the conduit to be removed if required to allow for maintenance of the jetty. The site is located on 4 and 6 North Street in the city of Kingston, Ulster County along Roundout Creek and the Hudson River.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0522.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or December 9, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0714

Date of Issuance – November 9, 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-2022-0714, Barlovento, LLC is proposing to construct a new elevated dock consisting of a 4' x 288' elevated walkway, 4' x 34' dock with 3' x 12' ramp, 6' x 20' float, 8" float securing piles (2), and 8" mooring piles (2). The site is located on Mecox Bay at 23 Wheaton Way, Water Mill, NY, 11976.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0714barloventollc.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or December 9, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0725

Date of Issuance – November 9, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0725, Fort la Presentation Association, is proposing to stabilize 175 linear feet of the St. Lawrence River shoreline using riprap with live shrub cuttings resulting in 97cy of fill placed below the plane or Ordinary High Water. This work would be conducted within the confines of a turbidity curtain during low water conditions.

Additionally, the proposed activity includes 256 linear feet of bank stabilization along the Oswegatchie River shoreline. This work would also include the placement of riprap and live shrub cuttings and toewood and result in 65cy of fill placed below the plane of Ordinary High Water. This work would also be conducted within the confines of turbidity curtain.

In addition, the proposal includes dredging along 600 linear feet of shoreline to a distance of ~15 feet out from the Ordinary High Water line. The area to be dredge is ~9,000sf with dredging down to an elevation of 244' IGLD 85 resulting in 405cy of dredged material. Dredged material would be placed at an upland approved landfill. A 4" layer of sand would be placed over the dredged area (83cy). This work would be conducted within the confines of a temporary cofferdam and/or turbidity curtain. Temporary dewatering of the area to be dredged may be necessary based on water levels at the time of construction.

Finally, the proposal includes the placement of a pedestrian bridge to span a narrow shallow channel that connects the St. Lawrence and Oswegatchie Rivers. The bridge deck would be 40' long and 8' wide with ~23 feet of the bridge being located over the water at Ordinary High Water. The bridge would include railings on both sides of the bridge.

The proposal activities would be located at the Fort de la Présentation historic site at the confluence of the Oswegatchie and St. Lawrence Rivers in the City of Ogdensburg, St. Lawrence County.

The stated purpose of the proposed action is to "stabilize eroding shorelines on the northeast and northwest edges of the Project Site and to protect paved roadways and walking trails on the site from flood damage. In addition, a new pedestrian trail with a bridge is proposed in the northwestern-most portion of the Project Site. This is in support of the goal of the Fort La Presentation Association to enhance the site as an educational and scenic attraction on the St. Lawrence River."

The proposed work is being funded through the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0725publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the ap-

plicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or November 24, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0784

Date of Issuance – November 9, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0784, The Town of Clayton proposes to construct a continuous sheet pile wall along 500 linear feet of St. Lawrence River shoreline between the existing Village of Clayton docks and the existing Town of Clayton wave attenuator. The sheet pile will be installed 2' waterward of the existing cribs and will be supported by deadman tiebacks spaced 12' on center.

Approximately 2,300 cubic yards of granular fill will be placed between the proposed sheet pile and the existing cribs and from the top of the existing cribs to the proposed grade of 253.5'. Additionally, approximately 2,400 cy of rip rap will be placed between the top of the proposed sheet pile and the top of the bank. The rip rap will be approximately 3.5' wide and 1.5' high.

The proposal is located along the town owned St. Lawrence River shoreline between Webb Street and Jane Street in the Village of Clayton.

The stated purpose of the proposed action is to stabilize the current shoreline from erosion and high water levels from previous years and provide a safe scenic waterfront area.

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0784publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or November 24, 2022.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

F-2022-0792

Date of Issuance – November 9, 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-2022-792, Christopher and Susan Wolters are proposing to construct a new 4' x 85' open grate catwalk leading to a 3' x 15' ramp and a 6' x 20' float. The catwalk is proposed to be elevated 4' above the tidal wetland's vegetation. The float is proposed to be supported by (4) 8" dia. piles and chocked at 24" off the bottom. All structural materials shall be non-treated lumber.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0792wolters.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or December 9, 2022.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0581 in the Matter of Hoffman Landscapes, Robert Doerflinger, 647 Danbury Road, Wilton, CT 06897, for a variance concerning safety requirements, including fences, gates and pool barrier. Involved is a one family dwelling located at 12 Briarcliff Road, Town of Mount Pleasant, NY 10514, County of Westchester, State of New York.

2022-0584 in the Matter of Carly and Daniel Richman, 10 Vista Court, Pleasantville, NY 10570, for a variance concerning safety requirements, including latching device for pool. Involved is a one family dwelling located at 10 Vista Court, Town of Mount Pleasant, NY 10570, County of Westchester, State of New York.

2022-0586 in the Matter of JFA, James Fleming RA, 11 Alden Road, Larchmont, NY 10538, for a variance concerning safety requirements, including headroom. Involved is a one family dwelling located at 182

Larchmont Avenue, Village of Larchmont, NY 10538, County of Westchester, State of New York.

2022-0587 in the Matter of Building Permit Services, John Matthews, 45 Sunset Drive, Croton On Hudson, NY 10520, for a variance concerning safety requirements, including girder height. Involved is a one family dwelling located at 64 Furnace Woods Road, Town of Cortlandt, NY 10567, County of Westchester, State of New York.

2022-0588 in the Matter of Dolores Perricone, Seven Wardman Street, White Plains, NY 10603, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at One Overlook Drive, Town of Mount Pleasant, NY 10595, County of Westchester, State of New York.

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0582 In the matter of Kathleen Gardiner, of Child Care Solutions, 6725 Thompson Road, Syracuse, New York 13211, for a variance concerning ceiling height in basement requirements located at 136 Fenway Drive, City of Syracuse, County of Onondaga, State of New York.

EXECUTIVE ORDERS

Executive Order No. 3.13: Continuing the Declaration of Disaster Emergency.

WHEREAS, pursuant to Executive Order 211, issued July 6, 2021, a statewide disaster was declared across the State due to gun violence;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 211, as continued in Executive Order 3.12, and continue the terms, conditions, and suspensions contained in Executive Order 211 and its successors, until November 17, 2022.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of October in the year two thousand twenty-two.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 21.1: Continuing the Declaration of a Statewide Disaster Emergency Due to the Ongoing Spread of Polio in the State of New York.

WHEREAS, a case of paralytic polio was identified on July 21, 2022, in an unvaccinated resident of Rockland County who had no international travel during the incubation period for polio;

WHEREAS, the poliovirus that infected the Rockland County individual has been identified as a case of vaccine-derived poliovirus, the last of which was identified in New York in 1990;

WHEREAS, genetically related poliovirus have been detected in wastewater samples collected from Kings, Nassau, Orange, Queens, Rockland, and Sullivan counties in April, May, June, July, August, and September 2022;

WHEREAS, polio was declared eliminated in the United States in 1979, primarily due to high vaccination rates against polio;

WHEREAS, routine vaccination rates against polio across all ages have decreased throughout the COVID-19 pandemic and vaccine hesitancy has increased;

WHEREAS, vaccination rates against polio among 2-year old children in New York is 79%, and is significantly less than that in several counties and zip codes;

WHEREAS, local health departments are actively responding to the poliovirus outbreak through investigation support, contact identification and monitoring, vaccine administration for exposed contacts and focused current high-risk populations, and education and outreach;

WHEREAS, the State government must support the municipalities, localities, and counties in their efforts to facilitate and administer vaccinations and tests for poliovirus, and to prevent the disease from continuing to spread;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, do hereby extend the state disaster emergency as set forth in Executive Order 21, and do hereby

continue the terms, conditions, and suspensions contained therein, until November 8, 2022; and

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify for the period from the date of this Executive Order through November 8, 2022 the following:

- The temporary modification of Subdivision 6 and 7 of section 3001 of the Public Health Law, subdivisions (o) and (p) of section 800.3, and section 800.15 of Title 10 of the NYCRR, contained in Executive Order 21, insofar as such modification authorized certified emergency medical technicians-paramedics and advanced EMS providers, providing community paramedicine services with prior approval of the Department of Health to administer vaccinations against poliovirus, is further modified to the extent necessary to allow certified emergency medical technicians-paramedics and advanced EMS providers to also administer vaccinations against poliovirus which contain tetanus, pertussis, hepatitis B, and Hib vaccines;
- The temporary modification of Section 6951 of the Education Law, and section 79-5.5 of Title 8 of the NYCRR, contained in Executive Order 21, insofar as such modification authorized midwives to administer vaccinations against poliovirus to any patient pursuant to a non-patient specific order under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, is further modified to the extent necessary to allow midwives to also administer vaccinations against poliovirus which contain diphtheria, tetanus, pertussis, hepatitis B, and Hib vaccines;
- The temporary modification of Subdivision 2 of section 6801 of the Education Law and 63.9 of Title 8 of the NYCRR, contained in Executive Order 21, insofar as such modification authorized pharmacists to administer vaccinations against poliovirus pursuant to a non-patient specific order, is modified to the extent necessary to allow pharmacists to also administer vaccinations against poliovirus pursuant to a patient specific order and also to the extent necessary to allow pharmacists to also administer vaccinations against poliovirus which contain tetanus, pertussis, hepatitis B, and Hib vaccines pursuant to a non-patient specific and a patient specific order; and
- The temporary modification of Subdivision 6 of section 6527 of the Education Law, subdivision 4 of section 6909 of the Public Health Law, and section 64.7 of Title 8 of the NYCRR, contained in Executive Order 21, insofar as such modification authorized physicians and certified nurse practitioners to issue a non-patient specific regimen to persons authorized by law or by this executive order to administer vaccinations against poliovirus, is modified to the extent necessary to allow physicians and certified nurse practitioners to also issue non-patient specific regimen to administer vaccinations against poliovirus which contain diphtheria, tetanus, pertussis, hepatitis B, and Hib vaccine, and also to issue patient specific orders to licensed pharmacists for administration of immunizations to prevent

poliovirus including vaccinations which contain diphtheria, tetanus, pertussis, hepatitis B, and Hib vaccine.

(L.S.) GIVEN under my hand and the Privy Seal of the State in the City of Albany this ninth day of October in the year two thousand twenty-two.

BY THE GOVERNOR
/S/ Kathy Hochul
/s/ Karen Persichilli Keogh
Secretary to the Governor