
NEW YORK STATE

REGISTER

INSIDE THIS ISSUE:

- Probation Services for Article 3 Juvenile Delinquency (JD)
- Fees (Maximum Fee That May be Charged by Licensed Check Cashers for Cashing Checks for Retail Consumers)
- Pharmacy Networks

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 22, 2023
- the 45-day period expires on January 7, 2023
- the 30-day period expires on December 23, 2022

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

For press and media inquiries call:
(518) 486-9844

For *State Register* production, scheduling and subscription information
call: (518) 474-6957
E-mail: adminrules@dos.ny.gov

For legal assistance with *State Register* filing requirements
call: (518) 474-6740
E-mail: dos.dl.inetcounsel@dos.ny.gov

The *New York State Register* is now available on-line at:
dos.ny.gov/state-register



The *New York State Register* (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

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

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

The *Register* costs \$80 a year for a subscription mailed first class and \$40 for periodical (second) class. Prepayment is required. To order, send a check or money order payable to the NYS Department of State to the following address:

NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
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)

Rule Making Activities

Agriculture and Markets, Department of

1 / Holding and Movement of Captive Cervids (A)

Criminal Justice Services, Division of

3 / Part 349 Interstate, Intrastate, Conflict of Interest Transfer and Temporary Probation Supervision for Adults and Juveniles (P)

4 / Probation Services for Article 3 Juvenile Delinquency (JD) (P)

Environmental Conservation, Department of

5 / Heavy-Duty Diesel Vehicle Inspection and Maintenance Program Requirements (P)

Financial Services, Department of

9 / Fees (Maximum Fee That May be Charged by Licensed Check Cashers for Cashing Checks for Retail Consumers) (E)

Mental Health, Office of

11 / Relating to the Certification, Operation and Reimbursement of Clinic Treatment Programs Serving Adults and Children (A)

Public Service Commission

13 / Notice of Intent to Submeter Electricity (P)

14 / Notice of Intent to Submeter Electricity and Waiver Request (P)

14 / Proposed Revisions Related to the Participation of Distributed Energy Resources (P)

State, Department of

15 / Creation of a Cease and Desist Zone Within Kings County (P)

Workers' Compensation Board

18 / Pharmacy Networks (A)

Hearings Scheduled for Proposed Rule Makings / 20

Action Pending Index / 25

Securities Offerings

77 / State Notices

Advertisements for Bidders/Contractors

79 / Sealed Bids

Miscellaneous Notices/Hearings

85 / Notice of Abandoned Property Received by the State Comptroller

85 / Public Notice

Executive Orders

91 / Executive Order No. 4.14: Continuing the Declaration of a Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York.

91 / Executive Order No. 5.14: Continuing the Temporary Suspension and Modification of Laws Related to the Disaster Emergency in the Counties of the Bronx, Kings, New York, Richmond and Queens Due to Conditions at Rikers Island Correctional Center.

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.

Department of Agriculture and Markets

NOTICE OF ADOPTION

Holding and Movement of Captive Cervids

I.D. No. AAM-24-22-00012-A

Filing No. 938

Filing Date: 2022-11-08

Effective Date: 2022-11-23

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

Action taken: Amendment of Part 68 of Title 1 NYCRR.

Statutory authority: Agriculture and Markets Law, sections 18(6), 72 and 74

Subject: Holding and movement of captive cervids.

Purpose: To ensure that captive cervids are held and moved in a manner designed to prevent disease and to be properly treated of disease.

Text of final rule: Section 68.1 of 1 NYCRR is amended by adding thereto new subdivisions (ad), (ae), (af) and (ag), to read as follows:

(ad) *New herd means a herd of cervids formed after the effective date of this subdivision; or a herd of cervids, the ownership of which has changed after the effective date of this subdivision, including but not limited to a herd that is owned by a corporation or limited liability company that has had a change in the person or people in a position of power or control after the effective date of this subdivision; or a herd of cervids that has changed its program category such as from a CWD Certified Herd to a CWD Monitored Herd after the effective date of this subdivision.*

(ae) *Veterinarian means a veterinarian duly approved by the administrator of USDA APHIS accredited to perform functions of Federal and coop-*

erative State-Federal programs on food and fiber animal species; all other livestock species; and zoo animals that can transmit exotic animal diseases to livestock.

(af) *Veterinary Client Patient Relationship means an association, whether or not contractual in nature, between a veterinarian and the owner of a herd of cervids in which the veterinarian:*

(1) *has knowledge of the cervids to the extent that the veterinarian is capable of a general diagnosis of the health of each cervid; and*

(2) *is readily available to perform diagnostic testing of the herd to detect the presence of disease, including but not limited to brucellosis, CWD, and tuberculosis; and*

(3) *is readily available to treat a cervid, in the event that the cervid requires medical attention, care, or therapy.*

(ag) *Inspection Report means a document, prepared by a Department employee, or by a person duly designated by the Commissioner of Agriculture and Markets, and headed Cervidae Operation Report, that sets forth that employee's findings regarding the conditions existing in a captive cervid population.*

Subdivision (c) of section 68.2 of 1 NYCRR is amended to read as follows:

(c) *Movement of captive cervids.*

No person shall import, move or hold captive cervids into or within New York State except in compliance with the requirements of this Part. A valid certificate of veterinary inspection shall accompany all cervids imported into New York State, with the exception of those moving directly to slaughter. In addition, no person shall import or move captive cervids into the State or within the State for any purpose, including slaughter unless a movement permit authorizing such movement has been obtained from the department prior to such movement. An application for movement permit may be obtained by calling the department during normal business hours and, when submitted for a herd located within the State, must be accompanied by the most recent Inspection Report. In the event that an applicant for a movement permit is required to but does not possess the most recent Inspection Report, the department will replace the Inspection Report upon payment of an amount commensurate with the department's cost in doing so. [The department will consult with the New York State Department of Environmental Conservation prior to the issuance of a movement permit.] Except for cervids moving directly to slaughter, movement permits shall be issued only for captive cervids that meet the New York State animal health requirements for captive cervids of this Part. All cervids to be moved, other than cervids moving directly to slaughter, must have approved, unique and tamper evident identification prior to movement. The removal or alteration of any official form of animal identification without the prior permission of the department is prohibited.

Section 68.2 of 1 NYCRR is amended by adding thereto a new subdivision (j), to read as follows:

(j) *Mandatory Relationships.*

An owner of a new herd shall enter into and have a Veterinary Client Patient Relationship (VCPR) with a veterinarian immediately upon the creation of the new herd. The owner of an existing herd shall enter into and have a VCPR with a veterinarian, not later than January 1, 2026. Notwithstanding the foregoing, an owner who has not complied with the requirement set forth herein shall have ninety days from the date that compliance is required to enter into a VCPR.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 68.1(af)(3), (4) and 68.2(j).

Text of rule and any required statements and analyses may be obtained from: Dr. Joy Bennett, Department of Agriculture and Markets, 10B Airline Drive, Albany, New York 12235, (518) 457-7886, email: joy.bennett@agriculture.ny.gov

Revised Regulatory Impact Statement

The Department has amended the proposed rulemaking to eliminate the requirement of captive cervid farmers to enter into a Veterinary Client Patient Relationship (VCPR) with a private veterinarian to conduct annual

inventories. The Department would retain the responsibility to conduct annual inventories of captive cervid herds, thereby reducing the regulatory burden of compliance for captive cervid farmers, as compared to the Department's original proposal. The Department has also clarified the compliance date for new herds as being immediately upon creation of such herd.

The Department finds that proposed changes in the rule are non-substantive and do not materially alter the purpose, meaning or effect of the text. The Department has not added any new terms to the proposal that was not subject to public comment, and further clarifies that that the new herd compliance date would be upon formation of such herds rather than September 1, 2022. Because the amended proposal solely removes and lessens burdens of compliance, it eliminates any possibility of substantial prejudice, and, therefore, the changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

The Department has amended the proposed rulemaking to eliminate the requirement of captive cervid farmers to enter into a Veterinary Client Patient Relationship (VCPR) with a private veterinarian to conduct annual inventories. The Department would retain the responsibility to conduct annual inventories of captive cervid herds, thereby reducing the regulatory burden of compliance for captive cervid farmers, as compared to the Department's original proposal. The Department has also clarified the compliance date for new herds as being immediately upon creation of such herd.

The Department finds that proposed changes in the rule are non-substantive and do not materially alter the purpose, meaning or effect of the text. The Department has not added any new terms to the proposal that was not subject to public comment, and further clarifies that that the new herd compliance date would be upon formation of such herds rather than September 1, 2022. Because the amended proposal solely removes and lessens burdens of compliance, it eliminates any possibility of substantial prejudice, and, therefore, the changes made to the last published rule do not necessitate revision to the previously published Regulatory Flexibility Analysis.

Revised Rural Area Flexibility Analysis

The Department has amended the proposed rulemaking to eliminate the requirement of captive cervid farmers to enter into a Veterinary Client Patient Relationship (VCPR) with a private veterinarian to conduct annual inventories. The Department would retain the responsibility to conduct annual inventories of captive cervid herds, thereby reducing the regulatory burden of compliance for captive cervid farmers, as compared to the Department's original proposal. The Department has also clarified the compliance date for new herds as being immediately upon creation of such herd.

The Department finds that proposed changes in the rule are non-substantive and do not materially alter the purpose, meaning or effect of the text. The Department has not added any new terms to the proposal that was not subject to public comment, and further clarifies that that the new herd compliance date would be upon formation of such herds rather than September 1, 2022. Because the amended proposal solely removes and lessens burdens of compliance, it eliminates any possibility of substantial prejudice, and, therefore, the changes made to the last published rule do not necessitate revision to the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

The Department has amended the proposed rulemaking to eliminate the requirement of captive cervid farmers to enter into a Veterinary Client Patient Relationship (VCPR) with a private veterinarian to conduct annual inventories. The Department would retain the responsibility to conduct annual inventories of captive cervid herds, thereby reducing the regulatory burden of compliance for captive cervid farmers, as compared to the Department's original proposal. The Department has also clarified the compliance date for new herds as being immediately upon creation of such herd.

The Department finds that proposed changes in the rule are non-substantive and do not materially alter the purpose, meaning or effect of the text. The Department has not added any new terms to the proposal that was not subject to public comment, and further clarifies that that the new herd compliance date would be upon formation of such herds rather than September 1, 2022. Because the amended proposal solely removes and lessens burdens of compliance, it eliminates any possibility of substantial prejudice, and, therefore, the changes made to the last published rule do not necessitate revision to the previously published Job Impact Statement.

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

A hearing was held on September 12, 2022 to receive public comment relating to the proposed amendments to captive cervid health regulations, 1 NYCRR 68.1 and 68.2, which, as drafted, would: (1) add a requirement for captive cervid owners to have a veterinary client patient relationship (VCPR); (2) add a requirement for captive cervid owners to provide a copy of their most recent inspection report upon application for a movement permit; and (3) remove the requirement for the Division of Animal Industry to consult with the NYS Department of Environmental Conservation prior to issuing a movement permit. At the hearing, five people commented and, thereafter, one person submitted written comments regarding the proposed rule.

Lack of Accredited Veterinarians

One commenter stated that there were not enough accredited veterinarians throughout the state to work with captive cervid farms. The Department is aware that there is a lack of accredited veterinarians in certain parts of the state that may be willing to work on captive cervids due to unfamiliarity with the species. For this reason, the Department intends to provide regional trainings to veterinarians with a focus on best management practices for captive cervids, the Tuberculosis and Brucellosis eradication programs, and the Chronic Wasting Disease Herd Certification Program. The trainings will include instruction on testing and sample collection procedures. Under the proposed regulations, existing herds are not required to comply with the VCPR requirement until 2026, providing an opportunity for the Department's training outreach efforts to increase the number of accredited veterinarians available to captive cervid farms by the compliance date.

One commenter stated that the USDA list of accredited veterinarians approved to conduct tuberculosis testing on cervids is out-of-date. The Department agrees that the list is out-of-date and will work with the USDA to produce an up-to-date list of accredited veterinarians in New York that have been approved to perform tuberculosis testing on deer and elk, and publish this list on the Department's website.

Private Veterinarian Requirement

One commenter stated that requiring a private veterinarian to conduct cervid herd inventories will result in more opportunity for errors, which will hinder cervid movements and cause economic harm to producers. Another commenter expressed concern that private veterinarians are not able to readily access systems currently used for reconciliation of herd inventories. Due to these concerns, the Department has amended the proposal to remove this requirement, and will retain responsibility for performing annual herd inventories. When systems and processes are standardized and readily accessible to private veterinarians, the Department may propose regulations to shift the responsibility of performing herd inventories to private veterinarians.

Physical Inventory Requirement

One commenter stated that physical inventories should be conducted every three years, rather than annually. The Department believes that conducting physical inventories on a less frequent basis would make it more difficult to resolve any discrepancies that are revealed during the inventory process. When inventories are inaccurate or incomplete, the ability to trace animals during a disease outbreak is compromised and may result in the failure to stop the spread of disease. Therefore, the Department has considered alternatives, but has concluded that the annual inventory requirement is the least burdensome inventory schedule available that will not compromise the Department's ability to control potential disease outbreaks.

Tuberculosis Testing

Several commenters questioned the requirement for tuberculosis testing prior to intrastate cervid movement. One commenter pointed out that it's been more than a decade since tuberculosis was detected in a captive cervid herd in New York, and that a closed border eliminates introduction of any outside threats. The Department would like to clarify that the border is only closed to chronic wasting disease susceptible species. Non-susceptible cervids are allowed to enter New York as long as certain testing and health requirements are met. However, the Department agrees that the prevalence of tuberculosis in captive cervid herds within the state is likely to be low. The Department will continue to review if tuberculosis accredited free herd status is necessary to move deer safely within the state.

Sampling

One commenter stated that cervid producers should be trained to submit their own chronic wasting disease samples, or offer the option to those that would like to be trained. Department animal health officials will retain responsibility for collecting and submitting chronic wasting disease samples to maintain integrity and impartiality of sample collection, including, but not limited to documenting and tracking chain of custody. The cost for testing is currently covered by the State, therefore the Department finds that this requirement would not produce an economic burden on regulated parties.

Division of Criminal Justice Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Part 349 Interstate, Intrastate, Conflict of Interest Transfer and Temporary Probation Supervision for Adults and Juveniles

I.D. No. CJS-47-22-00001-P

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

Proposed Action: Amendment of sections 349.1, 349.2, 349.3, 349.4, 349.5; addition of section 349.6 to Title 9 NYCRR.

Statutory authority: Criminal Procedure Law, section 410.80

Subject: Part 349 Interstate, Intrastate, Conflict of Interest Transfer and Temporary Probation Supervision for Adults and Juveniles.

Purpose: Update the existing rule to provide a framework for consistent statewide practices in the intrastate transfer of individuals.

Substance of proposed rule (Full text is posted at the following State website: www.criminaljustice.ny.gov): The proposed amendments to 9 NYCRR 349 modernize and clarify the Interstate and Intrastate Transfer of Probation Supervision for Adults & Juveniles procedure. They establish a uniform standard consistent with ICAOS (Interstate Commission for Adult Offender Supervision) by reducing the number of days from 60 to 45 for receiving probation departments to investigate and respond to intrastate transfer requests. This new timeframe contemplates the automation of probation departments. The proposed amendments authorize receiving counties to temporarily supervise probationers who reside in their county until a full intrastate transfer can be completed; it strengthens the Administrative Appeals section by requiring Probation Directors to become involved in resolving on-going disputes between counties and protects the interest of community and victim safety; it establishes a protocol that allows supervision to occur by a contiguous county (with court approval) in cases where a conflict exists within the county of residence.

Text of proposed rule and any required statements and analyses may be obtained from: Danise A. Linen, Esq., Division of Criminal Justice Services, 80 South Swan St., Albany, NY 12210, (518) 457-8416, email: dcjslegalrulemaking@dcjs.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 § 243 establishes that the Division of Criminal Justice Services (DCJS) Office of Probation and Correctional Alternatives (OPCA) shall exercise general supervision over the administration of probation services throughout the State, and further establishes the authority of DCJS to promulgate rules regulating methods and procedures of the administration of probation services.

2. Legislative objectives:

DCJS is statutorily authorized to regulate methods and procedures in the administration of probation services to secure the most effective application of the probation system and the most efficient enforcement of probation related laws. The proposed amendments make necessary updates to modernize the Interstate and Intrastate Transfer of Probation Supervision for Adults and Juveniles.

3. Needs and benefits:

Amendments are necessary to reduce the number of days from 60 to 45 for receiving counties to timely investigate and respond to intrastate transfer requests to be consistent with the ICAOS (Interstate Commission for Adult Offender Supervision) period for investigations, thus establishing a uniform standard. This new timeframe contemplates the automation of probation departments; authorizes receiving counties to temporarily supervise probationers who reside in their county until a full intrastate transfer can be completed; and establishes a protocol allowing supervision to occur by a contiguous county (with court approval) in cases where a conflict exists within the county of residence.

The proposed amendments are the culmination of the efforts of a statewide Probation Intrastate Transfer Rule Revision workgroup comprised of probation professionals from urban, rural, and suburban counties across New York State (NYS) and DCJS staff.

Prior drafts of the proposed amendments were shared with all probation directors in March 2021. Responses were received directly from a limited number of probation directors, as well as from the NYS Council of Probation Administrators. Feedback from these sources resulted in few changes being made to the proposed amendments. DCJS, however, did make additional minor changes to provide greater clarity and flexibility in language consistent with our agency intent.

4. Costs:

a. Local probation departments will not incur any additional expenses due to the proposed revisions. Any anticipated in-service costs of educating staff, DCJS believes orientation can be readily accomplished through memoranda and supervisory oversight without incurring any direct costs.

b. No additional costs are anticipated to be incurred by DCJS.

c. No additional costs are anticipated to be incurred by probation departments.

5. Local government mandates:

DCJS OPCA always had agency rules governing Intrastate Transfer. Upon the adoption of the proposed amendments, local probation departments will need to review local departmental policy and adjust as necessary to reflect such changes. This is a routine business function of local probation departments which will not result in administrative costs.

6. Paperwork:

DCJS does anticipate the need to amend existing Intrastate Transfer forms as well as the addition of one new Intrastate Transfer form. This requirement will not be required of local probation departments.

7. Duplication:

These amendments do not duplicate any other existing State or Federal requirements.

8. Alternatives:

The proposed amendments take into account the feedback received from the statewide Intrastate Transfer Rule Revision workgroup, and probation professional organizations and as a result, incorporated certain minor changes. The modifications to this rule ensure clarity for probation departments in handling of intrastate transfers. Examples of such feedback from the Council of Probation Administrators (COPA) can be found under Section 394.4, “(15) where applicable, the name of the qualified manufacturer of ignition interlock device, date of installation, removal and order to de-install.” and “After the receiving probation department receives the transfer application, and makes initial contact with the individual, the receiving probation department shall promptly notify the sending probation department of the receipt of the application and the initial contact”. An example of the input from the Probation Statewide Workgroup can be Section 349.1, the definition of “Temporary Supervision” and the workgroup’s input throughout the new Section 349.5 Requirements for Temporary Supervision.

9. Federal standards:

The proposed amendments do not exceed any minimum standards of the federal government.

10. Compliance schedule:

Through prompt dissemination of the new rule and its summary, local probation departments should be able to implement these amendments and comply with the provisions as soon as they are adopted.

Regulatory Flexibility Analysis

1. Effect of rule:

The proposed amendments affect all local probation departments in New York State but will not have any impact on small businesses.

2. Compliance requirements:

While all probation departments will be subject to the requirements set forth in these proposed amendments, Part 349 of 9 NYCRR already provided for a system of Interstate and Intrastate transfer. It does not appear that probation departments will incur any additional costs by complying with these proposed amendments.

There are no small business compliance requirements imposed by these proposed amendments.

3. Professional services:

No professional services are required for probation departments to comply with the proposed amendments and small businesses are not affected by these proposed amendments.

4. Compliance cost:

These amendments do not impose any additional costs or require additional staffing above and beyond current needs.

5. Economic and technological feasibility:

There do not appear to be any economic or technological issues for probation departments, or small businesses, as a result of these amendments.

6. Minimizing adverse impact:

In the preparation and drafting of the proposed amendments, DCJS’ Office of Probation and Correctional Alternatives (OPCA) was diligent in engaging probation professionals from around the state: 1) In January 2020, OPCA commenced the aforementioned Intrastate Transfer Rule

Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2021, OPCA circulated a refined draft to all probation directors/commissioners; and 3) a specific committee (known as the Probation Administrators Research Committee, or PARC) of the NYS Council of Probation Administrators (COPA), reviewed the proposed amendments and provided feedback.

7. Small business and local government participation:

As noted earlier, OPCA previously sought to engage probation departments from across the State on the development of and refinement of the proposed regulatory amendments.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

Forty-four local probation departments are located in rural areas and will be affected by the proposed rule amendments.

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

The proposed amendments will not result in any additional reporting or record keeping beyond what is already required by current regulations. While all probation departments will be subject to the requirements set forth in these proposed amendments, Part 349 of 9 NYCRR already provided for a system of Interstate and Intrastate transfer. It does not appear that probation departments will incur any additional costs by complying with these proposed amendments. There are no professional services required by these proposed amendments.

3. Costs:

These amendments do not impose any additional costs or require additional staffing above and beyond current needs.

4. Minimizing adverse impact:

These regulatory amendments will have minimal, if any, adverse impact on rural areas.

In the preparation and drafting of the proposed amendments, DCJS' Office of Probation and Correctional Alternatives (OPCA) was diligent in engaging probation professionals from around the State: 1) In January 2020, OPCA commenced the aforementioned Intrastate Transfer Rule Revision workgroup with representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions; 2) In March 2021, OPCA circulated a refined draft to all probation directors/commissioners; and 3) a specific committee (known as the Probation Administrators Research Committee, or PARC) of the NYS Council of Probation Administrators (COPA), reviewed the proposed amendments and provided feedback.

5. Rural area participation:

The Intrastate Transfer Rule Revision workgroup consisted of representatives from across the state representing small, medium, and large jurisdictions including urban and rural jurisdictions. The proposed amendments were developed by the workgroup which included representatives from all geographic regions of the state, including rural areas. The proposed amendments incorporate verbal and written suggestions gathered from probation professionals, including rural entities, across the State.

Moreover, DCJS did not find significant differences among urban, rural, and suburban jurisdictions as to issues raised or suggestions for change in content in this amendment. DCJS is confident that these regulatory changes have the flexibility to accommodate rural jurisdictional needs.

Job Impact Statement

A job impact statement is not being submitted with these proposed regulations because they will have no adverse effect on private or public jobs or employment opportunities.

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

Probation Services for Article 3 Juvenile Delinquency (JD)

I.D. No. CJS-47-22-00002-P

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

Proposed Action: Amendment of Part 357 of Title 9 NYCRR.

Statutory authority: Executive Law, section 243(1); Criminal Procedure Law, art. 722; Family Court Act, art. 3

Subject: Probation Services for Article 3 Juvenile Delinquency (JD).

Purpose: Update existing rule to reflect services which will be performed by Probation departments.

Text of proposed rule: 1. Subdivision (n) of section 357.1 of 9 NYCRR, is amended to read as follows:

(n) The term Person In Need of Supervision (PINS) means a person less

than 18 years of age who does not attend school in accordance with Article 65 of the Education Law or who is [incorrigible,] ungovernable, or habitually disobedient, and is beyond the lawful control of the parent(s) or other person(s) legally responsible for his/her care, or other lawful authority, [or who violates the provisions of Penal Law Section 221.05] or who appears to be a sexually exploited child, but only if the child consents to the filing of a petition under this article pursuant to Penal Law Section 230.00. A pattern of behavior must be documented for complaints involving PINS behavior other than running away *or*, staying away [, or marijuana possession].

2. Subdivisions (b), (c) and (d) of section 357.5 of 9 NYCRR are amended to read as follows:

(b) Probation shall provide intake and diversion services, which shall include diligent efforts to engage the youth and family in appropriately targeted community-based services. Such diligent efforts shall:

(1) Be clearly documented in the case record;

(2) Be designed to provide an immediate response to families in crisis;

(3) Identify and utilize appropriate alternatives to pre-dispositional placement;

(4) Attempt to divert youth from being the subject of a petition in family court;

(5) Include screening and assessment using a state-approved risk and needs assessment instrument;

(6) Include assessing for the sexual exploitation of youth using a state-approved instrument, ensure that youth identified as sexually exploited are referred to available and appropriate services including but not limited to safe house services in accordance with the Safe Harbour Act; and

(7) Include conducting a mental health screening at the initial conference using a state-approved instrument for cases opened for [adjustment] *diversion* services and where consent has been provided.

(c) Where the youth is not attending school and is beyond the compulsory education age, a parental complaint may be made based on [incorrigible/] ungovernable behavior.

(d) Where the matter involves truancy and or [incorrigible/] ungovernable and/or habitually disobedient behavior in school and the youth is a special education student, probation shall gather information from the Committee on Special Education regarding the youth's behaviors and any relationship to the youth's disability. Probation may require a Manifestation Determination before accepting a school-filed complaint.

3. Subdivision (c) of section 357.7 of 9 NYCRR is amended to read as follows:

(c) Electronic monitoring may only be used with probation director consent and upon specific court order. *Absent a directive from the Court, Probation shall ensure the cumulative application of electronic monitoring not exceed 90 days for each diversion case.*

4. Paragraph (4) of subdivision (b) of section 357.8 of 9 NYCRR is amended to read as follows:

(4) Review and update the case plan on an ongoing basis to document any changes in priority areas, goals, action steps, roles and responsibilities, and progress; *case notes should reflect progress in meeting the goals included in the caseplan.*

5. Subdivision (d) of section 357.9 of 9 NYCRR is amended to read as follows:

(d) Where the matter involves truancy and/or [incorrigible] ungovernable behavior at school and the youth is a special education student, probation shall not refer the matter for petition unless a Manifestation Determination hearing has been held by the Committee on Special Education (CSE) and the school has provided such documentation to the probation department and the court that the student's behaviors are not related to the student's disability, thereby warranting court action;

Text of proposed rule and any required statements and analyses may be obtained from: Danise Linen, Division of Criminal Justice Services, 80 South Swan Street, Albany, NY 12210, (518) 457-8413, email: dcjslegalrulemaking@dcjs.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 § 243(1) directs the Director of the Office of Probation and Correctional Alternatives, after consultation with the State Probation Commission, to recommend to the Commissioner of the Division of Criminal Justice Services, general rules that "regulate methods and procedure in the administration of probation services." Further, Executive Law § 256(1), requires probation agencies to perform intake services assigned to them pursuant to law.

Family Court Act (FCA) § 735(a) requires:

“[E]ach county and any city having a population of one million or more shall offer diversion services...to youth who are at risk of being the subject of a person in need of supervision petition. Such services shall be designed to provide an immediate response to youth in crisis, to identify and utilize appropriate alternatives to detention and to divert youth from being the subject of a petition in family court. Each county and such city shall designate either the local social services district or the probation department as lead agency for the purposes of providing diversion services.”

Additionally, Social Services Law § 34-a(4)(b) requires every jurisdiction to submit a multi-year consolidated services plan which includes diversion services for Persons In Need of Supervision (“PINS”).

2. Legislative objectives:

These proposed amendments are consistent with the legislative directive that the Director recommend regulations to be adopted by the Commissioner of DCJS relating to critical probation functions and to promote professional standards governing administration and delivery of probation services in the area of intake (preliminary procedure) for family court involving PINS. Passage of recent legislation amended the definition of PINS under Family Court Act (FCA) § 712(1) by removing the violation of Penal Law § 221.05 (unlawful possession of marijuana in the second degree) as a qualifying criterion for PINS, effective March 31, 2021, and repealed Penal Law § 240.37 (loitering for the purpose of engaging in a prostitution offense), effective February 2, 2021. Furthermore, Chapter 97 of Laws of 2021, which took effect on April 6, 2021, removed the terms “incorrigible” and “incorrigibility” from several sections of the Family Court Act. Additionally, these proposed amendments restrict timeframes for the use of electronic monitoring with PINS diversion youth, when absent specific Court directive. These amendments are necessary to provide direction to assist probation departments with conforming to current law and best practice.

3. Needs and benefits:

Probation departments are responsible for conducting the preliminary procedure, in whole or in part, either because they are the designated lead agency in their county or are responsible for providing a portion of preliminary procedure under a PINS Memorandum of Understanding with the local Department of Social Services.

These proposed amendments conform to the amendments made to the Family Court Act and Penal Law in 2021. Specifically, the definition of PINS was amended in 2021 through three separate bills effectively eliminating two PINS criteria: Penal Law § 221.05 (unlawful possession of marijuana in the second degree), and Penal Law § 240.37 (loitering for the purpose of engaging in a prostitution offense) and removing the use of the terms “incorrigible” and “incorrigibility” from the definition of PINS.

Additionally, these proposed amendments provide guidance to probation departments by inserting time parameters when the Family Court had issued an electronic monitoring order, but the Court had remained silent on timeframes for such use.

4. Costs:

Effective PINS diversion services can reduce long term state and local governmental costs for those youth who are at risk of continued involvement with the juvenile justice or criminal justice systems. No additional costs are anticipated in adhering to these amendments beyond what is currently required in law and regulation.

DCJS continues to make available, at no cost to jurisdictions, advisements through memoranda and training webinars.

5. Local government mandates:

DCJS has always had agency rules governing the PINS preliminary procedure and does not anticipate that these new requirements will be burdensome on local governments. While these amendments require attention to specific key areas establishing provisions for effective preliminary procedure, it also provides flexibility and recognizes differences among jurisdictional policies and resources.

6. Paperwork:

These amendments do not appear to lead to any additional significant costs related to paperwork and will not be burdensome.

7. Duplication:

These proposed amendments do not duplicate any State or Federal law or regulation. It clarifies and reinforces certain laws with respect to provision of the preliminary procedure for PINS youth.

8. Alternatives:

These amendments integrate law, research, and model probation practices to establish specific minimum standards for probation’s provision of diversion services to PINS youth and their families. Strengthening and supporting consistent application of the preliminary procedure is essential to ensure effective diversion of youth, wherever appropriate. Accordingly, it is not a viable alternative to have an outdated probation rule that is inconsistent with current law, or no rule, governing the preliminary procedure for the PINS populations.

9. Federal standards:

There are no federal standards governing the probation intake/preliminary procedure process.

10. Compliance schedule:

Local probation departments should be able to promptly implement these amendments and comply with their provisions. These amendments will be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

A regulatory flexibility analysis for small businesses is not required by Section 202-a of the State Administrative Procedure Act because the proposed amendments do not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses.

This proposed rule revises existing regulatory procedure in the area of Persons In Need of Supervision (PINS) eligibility for diversion services and guidelines for use of electronic monitoring. These revisions will impact local probation departments which are responsible, in whole or in part, for the determination of eligibility of and delivery of diversion services to alleged PINS.

The Division of Criminal Justice Services (DCJS) always had agency rules governing PINS preliminary procedure and does not anticipate that these new requirements will be burdensome upon probation departments. In preparation and drafting of the proposed amendments, DCJS was diligent in engaging probation professionals from around the state: 1) in June 2021 DCJS’ Office of Probation and Correctional Alternatives (OPCA) circulated State Directors Memorandum #2021-7, providing an update regarding changes in PINS eligibility backed by statutory eliminations of certain criteria; 2) In February 2022, OPCA circulated a draft of the proposed amendments to all probation directors/commissioners; (3) Also in February 2022, the NYS Council of Probation Administrators (COPA) was briefed on this matter in an annual meeting and sent the draft for comment. The very limited feedback that was provided indicated that these amendments reflect current best probation practices.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not being submitted with these proposed regulations because it will have no adverse effect on rural areas.

Job Impact Statement

A job impact statement is not being submitted with these proposed amended regulations because they will have no adverse effect on private or public jobs or employment opportunities.

Department of Environmental Conservation

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Heavy-Duty Diesel Vehicle Inspection and Maintenance Program Requirements

I.D. No. ENV-47-22-00005-P

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

Proposed Action: Amendment of Parts 200 and 217 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-0320, 71-2103, 71-2105; Vehicle and Traffic Law, sections 301-b and 375.28

Subject: Heavy-Duty Diesel Vehicle Inspection and Maintenance Program requirements.

Purpose: To update Heavy-Duty Diesel Vehicle Inspection and Maintenance Program requirements.

Public hearing(s) will be held at: 6:00 p.m., Jan. 24, 2023 via electronic webinar.

Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 217-5 by November 23, 2022. The proposed regulations webpage for 6 NYCRR Part 217-5 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 the Part 217-5 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 January 13, 2023. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Ukeritis 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/proproregulations.html>): The New York State Department of Environmental Conservation (Department) is proposing to amend 6 NYCRR Part 217 and Section 200.9. Section 200.9 is a list that references a test procedure published by the Society of Automotive Engineers that has been referenced by the Department while amending Part 217. The purpose of the amendment is to update Heavy-Duty Diesel Vehicle Inspection and Maintenance Program (HDDV I/M) requirements and be implemented through the next statewide New York Vehicle Inspection Program (NYVIP3).

The Department is amending Sections 217-5.1, Definitions; 217-5.2, Applicability; 217-5.3, Heavy duty diesel emission standards; 217-5.4, Vehicle owner/operator requirements; 217-5.5, Emissions inspection procedures and test methods; 217-5.6, Test equipment specifications and test procedures; 217-5.7, Enforcement and penalties; 217-5.8 Hardship waiver. The remaining Sections in Part 217 are unchanged.

Section 217-5.1 is amended to include definitions of new equipment required for official diesel emissions inspection stations (ODEIS) through the statewide New York Vehicle Inspection Program (NYVIP3) to perform the updated Heavy-Duty Diesel Vehicle Inspection and Maintenance Program (HDDV I/M) requirements.

Section 217-5.2 is amended to define who is required to use and perform HDDV I/M on the new NYVIP3 equipment.

Section 217-5.3 is amended to establish new, more stringent opacity cutpoints for diesel emissions inspections (smoke opacity) to go into effect after the implementation of NYVIP3.

Section 217-5.4 is amended to clarify vehicle owner and operator requirements in relation to emission control devices.

Section 217-5.5 is amended to clarify the emissions inspection procedure.

Section 217-5.6 is amended to clarify test equipment specifications and test procedure.

Section 217-5.7 is amended to clarify penalties and enforcement in relation to the new NYVIP3 equipment.

Section 217-5.8 is amended to clarify the hardship waiver process in relation to the new NYVIP3 equipment.

Text of proposed rule and any required statements and analyses may be obtained from: Mitch Tabor, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233, (518) 402-8292, email: air.regs@dec.ny.gov

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

Public comment will be received until: January 30, 2023.

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

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

I. INTRODUCTION

The New York State Department of Environmental Conservation (“DEC” or “the Department”) is proposing to amend Title 6 of the Codes, Rules and Regulations of the State of New York (“6 NYCRR”), Subpart 217-5, Heavy Duty Inspection and Maintenance Program, and Section 200.9, Referenced Material, to reflect revised Heavy-Duty Diesel Vehicle Inspection and Maintenance Program (“HDDV I/M”) requirements. The existing HDDV I/M has required annual smoke opacity emission testing for applicable HDDVs registered within the downstate New York Metropolitan Area (“NYMA”) since 1999. NYMA geographically includes Bronx, Kings, New York, Nassau, Queens, Richmond, Rockland, Suffolk, and Westchester counties. DMV regulation under 15 NYCRR Section 79.9(d)(4) requires that an official diesel emission inspection station (“ODEIS”) must use the appropriate diesel emission test equipment approved by DEC. DEC has certified various opacity smokemeters over time and maintains a list of approved smoke meters on the DEC website.¹

The proposed HDDV I/M requirements for ODEIS would be implemented through the next statewide New York Vehicle Inspection Program (“NYVIP3”) tentatively scheduled to begin on December 1, 2022. The NYVIP3 start date for HDDV I/M testing is contingent upon the NYVIP3 contractor’s ability to develop, test, and install opacity testing equipment that is certified by DEC and the New York State Department of Motor Vehicles (“DMV”).

NYVIP provides a communication network between licensed DMV inspection stations and a contractor procured by DMV. The NYVIP contractor also provides emissions testing equipment approved by DEC and DMV. The current iteration, NYVIP2², will end on November 30, 2022. NYVIP3 will continue to provide statewide onboard diagnostic testing for light-duty vehicles but will also integrate smoke opacity testing for the downstate HDDV I/M program.

The NYVIP3 contractor, Opus Inspection, was chosen through a DMV Request for Proposal (“RFP”) procurement completed in April 2020. With the start of NYVIP3, the current DEC approved opacity meters³ will become obsolete at ODEIS for I/M testing. ODEIS were informed of the NYVIP3 opacity equipment requirement prior to, and since, the NYVIP3 procurement.

New York State Environmental Conservation Law (“ECL”) § 19-0320 requires the Department to coordinate smoke opacity limits with other states located within the ozone transport region (“OTR”). DEC proposes, under section 217-5.3, to implement revised opacity cutpoints after the HDDV I/M program is fully transitioned into NYVIP3. DEC anticipates the transition would occur around April 2023.

The proposed regulation would not require certain New York State governmental entities to purchase NYVIP3 equipment for HDDV I/M opacity testing. These entities are the Metropolitan Transportation Authority (“MTA”), which is exempt under 15 NYCRR Section 79.2(d)(4); the NYS Department of Transportation (“NYSDOT”) for school bus inspections completed under 217-5.2(b)(1)(i); and DEC for roadside inspections under 217-5.2(c). These government entities are not licensed by DMV as ODEIS, nor do they authorize NYS Heavy Duty Diesel safety/emission stickers. Any HDDV smoke opacity inspections completed by MTA, NYS DOT, and DEC after the start of NYVIP3 must be completed on DEC certified opacity meters and subject to same opacity cutpoints as ODEIS. The MTA and NYSDOT are also subject to DEC station and equipment audits.

The proposed revisions to Subpart 217-5 would update existing DEC heavy-duty vehicle inspection procedures for DMV-licensed ODEIS and would subsequently revise the structure and stringency of HDDV smoke opacity I/M pass/fail criteria (i.e., “cutpoints”). The proposal would update ODEIS equipment requirements and clarify emission control device visual tampering checks under section 217-5.5; complete minor revisions to test procedures under section 217-5.6; and update HDDV hardship waiver procedures under section 217-5.8.

II. STATUTORY AUTHORITY

DEC statutory authority to revise Subpart 217-5 includes: Environmental Conservation Law, Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 19-0320, 71-2103, 71-2105; Vehicle and Traffic Law, Sections 301-b and 375.28.

III. NEEDS AND BENEFITS

The existing HDDV I/M program has not been revised since its implementation in 1999. The current program has significant limitations that will be improved upon with an integrated NYVIP3 opacity meter for DMV licensed ODEIS.

1. The current HDDV I/M certified opacity meters are not connected to a vehicle inspection database (“VID”). ODEIS are currently required to document completed HDDV I/M inspections using form, VS-1074D⁴. The official HDDV I/M inspection record is subject to inspection, but is not being transmitted to DMV or DEC. The Department cannot effectively audit, enforce, or complete meaningful program evaluation of the current HDDV I/M program. NYVIP3 will include the electronic reporting of NYS inspection results through a contractor run VID.

2. The Department completes HDDV audits at licensed ODEIS. These audits include a calibration check of the ODEIS opacity smokemeters. The current smoke opacity units do not provide an electronic calibration file. As such, DEC currently completes on-site ODEIS audits with no prior information available before the station visit. NYVIP3 will provide remote access to ODEIS calibration files which can be used by DEC to plan on-site audits.

3. The HDDV emission/safety sticker inventory cannot be actively monitored. The Departments have encountered fraudulent testing practices, including the inappropriate use of NYS heavy-duty safety/emissions stickers. NYVIP3 will include NYS safety/emissions sticker inventory controls.

4. Most of the opacity smokemeters used by ODEIS are no longer covered by a manufacturer warranty and equipment maintenance and repair is the responsibility of the ODEIS. NYVIP3 provide equipment warranty and repair service during the term of the NYVIP3 contract.

5. The current opacity meters do not have the functionality for the Department to complete program-wide opacity cutpoint revisions. NYVIP3 will allow the Department to make cutpoint revisions to all ODEIS HDDV equipment remotely through the contractor's VID.

With an integrated NYVIP3 opacity meter, the Departments will have improved monitoring of HDDV I/M inspections as electronic inspection records will be provided in the same manner as the current light-duty NYVIP2 program. The NYVIP3 integrated opacity meter will also generate an electronic calibration file. The Departments will be capable of querying data allowing for more focused equipment auditing and potentially for regulatory compliance. The NYVIP3 integrated opacity meter will be capable of "locking-out" malfunctioning equipment to require warranty service, when necessary. The NYVIP3 contractor will be capable of completing the proposed cutpoint revisions through the VID. The Department could complete program evaluation efforts based on the availability of required reports.

ODEIS will have the benefit of having new smokemeter equipment with a contractor provided warranty and repair services during the term of NYVIP3. NYVIP3 also provides the State with the option for completing future medium and heavy-duty onboard diagnostic testing.

Diesel Exhaust

New York State has a need to reduce exhaust emissions from on-road heavy-duty diesel vehicles. Of note, diesel exhaust contains particulate matter ("PM") and oxides of nitrogen ("NOx"). NOx is a primary precursor to the formation of ground-level ozone and in the secondary formation of fine particulate matter. The New York-Northern New Jersey-Long Island ozone nonattainment area, which includes NYMA, was proposed to be reclassified from a serious to a severe nonattainment status for the 2008 ozone standards on April 13, 2022.

With the implementation of NYVIP3 and the proposed revisions to Subpart 217-5, the Department anticipates a reduction in particulate matter emissions from HDDVs, and consequently anticipates an associated health benefit.

NYVIP3 also includes the option to potentially transition to statewide HDDV OBD I/M testing for applicable OBD-equipped HDDVs. While federal I/M regulation does require light-duty OBD I/M in certain areas of the country (including New York State), EPA does not require HDDV I/M. The Department is aware that the State of California is considering requiring HDDV OBD I/M⁵.

COSTS

ODEIS facilities were notified of the revised NYVIP3 equipment requirement prior to the NYVIP3 procurement. NYVIP2 stations were sent station messages noting the integrated opacity meter requirement in January 2020, March 2021, December 2021, and March 2022. The DEC website notes the proposed HDDV I/M transition to NYVIP3. DAR anticipates that some of the current ODEIS will make the business decision to discontinue completing HDDV I/M inspections with NYVIP3. The Department estimates that there are 800-1,000 smoke opacity meters currently in use, with 500-700 opacity meters at ODEIS. The remaining units are used by state government entities not regulated as ODEIS.

Pursuant to the NYVIP3 contract, the purchase cost of an integrated opacity smoke meter will range from \$4,700 to \$9,000. The higher unit costs represent instances where an additional (e.g., second or more) NYVIP3 integrated opacity meter is purchased at a given ODEIS location. DAR estimates that the majority of privately owned ODEIS will purchase a single NYVIP3 unit with integrated opacity meter with an optional cart for an estimated cost of approximately \$5,700. The Department estimates the initial capital cost for privately owned ODEIS facilities to be \$2.85 million (500 ODEIS times an average cost of \$5,700 per unit). Each completed HDDV inspection would be subject to an Opus transaction fee of \$0.436. DAR estimates the annual NYVIP3 transaction fees for ODEIS would cost \$75,537 (165,000 HDDVs registered in NYMA; estimated 5% opacity inspection failure rate; \$0.436/transaction). Considering the minimum seven-year duration of NYVIP3, the Department estimates ODEIS costs of \$3.4 million for NYVIP3 equipment purchase and associated transaction fees.

Opus Inspection is developing a more "rugged" tablet based HDDV I/M equipment option for another OTR state at an approximate cost of \$10,000. This equipment option would be more portable than the offered NYVIP3 HDDV workstation but is not part of the NYVIP3 contract. If developed by Opus and approved for use by the Department and DMV, it may be a purchase option for some ODEIS and for those NYS government entities not regulated as ODEIS. Any NYVIP3 equipment option would be subject to the Department's and DMV's acceptance testing. MTA, NYSDOT, and DEC would have the option of purchasing this unit. The tablet option would have an associated NYVIP3 equipment warranty and would provide enhanced data reporting compared to the existing smokemeters. Should all current government entities opt to replace their existing opacity smokemeters for the rugged NYVIP3 alternative, the Department estimates \$2.7 million in equipment costs and annual transaction fee costs of \$12,000.

IV. LOCAL GOVERNMENT MANDATES

The proposed regulations do not impose a local government mandate pursuant to Executive Order 17. No additional paperwork or staffing requirements are expected. Local governments have no additional compliance obligations as compared to other subject entities.

V. PAPERWORK

The proposed revisions will not increase paperwork requirements for HDDV owner/operators, opacity equipment manufacturers, or ODEIS stations. The Department anticipates that some paperwork associated with the existing HDDV I/M at ODEIS will be reduced through NYVIP3 electronic reporting. Some existing NYS HDDV I/M forms will be revised.

VI. DUPLICATION

There are no relevant state or federal rules or other requirements that would duplicate, overlap, or conflict with the proposed Subpart 217-5 rulemaking.

VII. ALTERNATIVES

The NYVIP3 program was developed through a competitive RFP procurement. The Department proposes to update its regulations to reflect revised NYVIP3 program requirements. There are currently no other viable alternatives to the proposed regulation.

The NYVIP3 contract does include the option for a future transition to include medium- and heavy- duty OBD as the required I/M emissions test type for applicable OBD-equipped heavy-duty vehicles. NYVIP3 would still require smoke opacity testing for the older non-OBD equipped HDDVs. The Department estimates that currently less than 50% of the NYMA-registered heavy- duty vehicles are OBD equipped. The Department, in consultation with DMV, will evaluate the feasibility of future OBD I/M testing for medium- and heavy-duty vehicles after considering the test procedures and operational success of HDDV OBD I/M in other states and/or any new state of federal heavy-duty I/M requirements.

VIII. FEDERAL STANDARDS

There are no equivalent federal heavy-duty diesel I/M performance standards to the revisions proposed for Subpart 217-5.

IX. COMPLIANCE SCHEDULE

Revised HDDV I/M requirements for ODEIS through the NYVIP3 program are scheduled to go into effect on December 1, 2022. The proposed, more stringent opacity cutpoints and restructuring of model year brackets are scheduled to go into effect on April 1, 2023.

- ¹ <https://www.dec.ny.gov/chemical/8391.html>
- ² <https://dmv.ny.gov/inspection/new-york-vehicle-inspection-program-nyvip>
- ³ <https://www.dec.ny.gov/chemical/8391.html>
- ⁴ <https://dmv.ny.gov/forms/vs1074sd.pdf>
- ⁵ https://ww2.arb.ca.gov/rulemaking/2021/hdim2021?utm_medium=email&utm_source=govdelivery

Regulatory Flexibility Analysis

1. Effect of rule:

The New York State Department of Environmental Conservation (Department) is proposing to amend Subpart 217-5, Heavy Duty Inspection and Maintenance Program, and Section 200.9, Referenced Material, to reflect revised Heavy-Duty Diesel Vehicle Inspection and Maintenance Program ("HDDV I/M") requirements. The proposed amendments would implement the revised HDDV I/M requirements through the statewide New York Vehicle Inspection Program (NYVIP3) tentatively scheduled to begin on December 1, 2022. The proposed amendments require official diesel emission inspection stations (ODEIS) located in the New York Metropolitan Area (NYMA) to purchase new integrated diesel emission inspection equipment through NYVIP3. Additionally, once a full transition to NYVIP3 is complete, the proposed amendments will revise opacity cutpoints to be more stringent. DEC will make this determination anticipated around April 2023.

ODEIS facilities were notified of the revised NYVIP3 equipment requirement prior to the NYVIP3 procurement. NYVIP2 stations were sent station messages noting the integrated opacity meter requirement in January 2020, March 2021, December 2021, and March 2022. The DEC website notes the proposed HDDV I/M transition to NYVIP3. DAR anticipates that some of the current ODEIS will make the business decision to discontinue completing HDDV I/M inspections with NYVIP3. The Department estimates that there are 800-1,000 smoke opacity meters currently in use, with 500-700 opacity meters at ODEIS. The Department estimates that there are 500-700 ODEIS, generally small businesses, that will be subject to this regulation. The remaining units are used by state government entities not regulated as ODEIS.

2. Compliance requirements:

The proposed amendments require official diesel emission inspection stations (ODEIS) located in the New York Metropolitan Area (NYMA) to purchase new integrated diesel emission inspection equipment through NYVIP3. The integrated NYVIP3 equipment will most likely require an internet connection.

The Department does not anticipate any compliance requirements for local governments.

3. Professional services:

There are no professional services needed by small business or local government to comply with the proposed amendments.

4. Compliance costs:

Pursuant to the NYVIP3 contract, the purchase cost of an integrated opacity smoke meter will range from \$4,700 to \$9,000. The higher unit costs represent instances where an additional (e.g., second or more) NYVIP3 integrated opacity meter is purchased at a given ODEIS location. DAR estimates that the majority of privately owned ODEIS will purchase a single NYVIP3 unit with integrated opacity meter with an optional cart for an estimated cost of approximately \$5,700. Additionally, each completed HDDV inspection would be subject to an Opus transaction fee of \$0.436.

Opus Inspection is developing a more “rugged” tablet based HDDV I/M equipment option for another OTR state. This equipment option would be more portable than the offered NYVIP3 HDDV workstation but is not part of the NYVIP3 contract. If developed by Opus and approved for use by the Department and New York State Department of Motor Vehicles (DMV), the rugged HDDV I/M option could potentially become a purchase option for some ODEIS and for those NYS government entities not regulated as ODEIS. Any NYVIP3 equipment option would be subject to the Department’s and DMV’s acceptance testing. The cost of a rugged tablet-based option is not available, but the Department anticipates it would be approximately \$10,000.

The cost of internet access is variable and dependent on several factors if needed at a location to use the integrated NYVIP3 equipment.

5. Economic and technological feasibility:

New York State implemented the initial round of the New York State Vehicle Inspection Program in 2004 to require statewide onboard diagnostic (OBD) I/M emissions testing for applicable light-duty vehicles in accordance with federal I/M requirements and New York’s State Implementation Plan. NYVIP provides a communication network between licensed DMV inspection stations and a contractor procured by DMV. The NYVIP contractor also provides emissions testing equipment approved by DEC and DMV. The current iteration, NYVIP2, will end on November 30, 2022. NYVIP3 will continue to provide statewide onboard diagnostic testing for light-duty vehicles but will also integrate smoke opacity testing for the downstate HDDV I/M program.

The NYVIP3 contractor, Opus Inspection, was chosen through a DMV Request for Proposal procurement completed in April 2020. With the start of NYVIP3, the current DEC approved opacity meters will become obsolete at ODEIS for I/M testing. ODEIS were informed of the NYVIP3 opacity equipment requirement prior to, and since, the NYVIP3 procurement.

ODEIS will have the benefit of having new smokemeter equipment with a contractor provided warranty and repair services during the term of NYVIP3. NYVIP3 also provides the State with the option for completing future medium and heavy-duty onboard diagnostic testing.

In terms of economic feasibility, ODEIS must make their own business decision to buy the new equipment or not. The Department believes the costs are reasonable and that there is an added value in having the contractor provided warranty and repair services with the new equipment.

As far as technological feasibility, the selected NYVIP3 contractor found that internet connectivity issues will apply to a very limited number of inspection stations. The NYVIP3 contractor will research specific options for every station without broadband and provide recommendations for each one to acquire broadband access.

6. Minimizing adverse impact:

The proposed amendments will impact ODEIS, the vast majority of which are located within the downstate 9-county NYMA, and several governmental entities not regulated as ODEIS (e.g., DEC, MTA, and NYSDOT). ODEIS facilities were notified of the revised NYVIP3 equipment requirement prior to the NYVIP3 procurement. NYVIP2 stations were sent station messages noting the integrated opacity meter requirement in January 2020, March 2021, December 2021, and March 2022. The DEC website notes the proposed HDDV I/M transition to NYVIP3. The Department informed impacted governmental entities not regulated as ODEIS about the possible impacts of the proposed amendments throughout the development of the proposed amendments.

The Department anticipated that there will be no adverse impact on local governments.

7. Small business and local government participation:

The Department will hold public commenting periods for the proposed amendments as a part of the rule making process which will allow for small businesses and local government to participate in the rulemaking process. The Department has scheduled a stakeholder outreach meeting for this regulation update on September 29, 2022. Past outreach has included: station messages sent as noted in the document, discussion with

appropriate association leadership, listing on our website, and a past mailing.

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

The proposed amendments do not modify any existing violations or penalties associated with a violation under 217-5.7.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The New York State Department of Environmental Conservation (Department) is proposing to amend Subpart 217-5, Heavy Duty Inspection and Maintenance Program, and Section 200.9, Referenced Material, to reflect revised Heavy-Duty Diesel Vehicle Inspection and Maintenance Program (HDDV I/M) requirements. The proposed amendments would implement the revised HDDV I/M requirements through the statewide New York Vehicle Inspection Program (NYVIP3) tentatively scheduled to begin on December 1, 2022. The proposed amendments would require official diesel emission inspection stations (ODEIS), the vast majority are located in the New York Metropolitan Area (NYMA), to purchase new integrated diesel emission inspection equipment through NYVIP3. Additionally, once a full transition to NYVIP3 is complete, the proposed amendments would revise opacity cutpoints to be more stringent. DEC will make this determination anticipated around April 2023.

There are no requirements in the adopted regulation which apply only to rural areas.

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

There are no specific requirements in the adopted regulation which apply exclusively to rural areas.

3. Costs:

The proposed amendments are expected to result in additional costs for ODEIS. Pursuant to the NYVIP3 contract, the purchase cost of an integrated opacity smoke meter will range from \$4,700 to \$9,000. The higher unit costs represent instances where an additional (e.g., second or more) NYVIP3 integrated opacity meter is purchased at a given ODEIS location. DAR estimates that the majority of privately owned ODEIS will purchase a single NYVIP3 unit with integrated opacity meter with an optional cart for an estimated cost of approximately \$5,700. Each completed HDDV inspection would be subject to an Opus transaction fee of \$0.436.

Opus Inspection is developing a more “rugged” tablet based HDDV I/M equipment option for another OTR state. This equipment option would be more portable than the offered NYVIP3 HDDV workstation but is not part of the NYVIP3 contract. If developed by Opus and approved for use by the Department and New York State Department of Motor Vehicles (DMV), the rugged HDDV I/M option could potentially become a purchase option for some ODEIS and for those NYS government entities not regulated as ODEIS. Any NYVIP3 equipment option would be subject to the Department’s and DMV’s acceptance testing. The cost of a rugged tablet-based option is not available, but the Department anticipates it would be approximately \$10,000. MTA, NYSDOT, and DEC may consider (but would not be required) this purchase option. The tablet option would have an associated NYVIP3 equipment warranty and would provide enhanced data reporting compared to the existing smokemeters.

The large majority of costs associated with the proposed amendments impact ODEIS in NYMA. The minimal cost to rural areas would be isolated to some governmental entities not regulated as ODEIS.

As noted above, several NYS government entities (DEC, MTA, DOT) are not regulated as ODEIS, and they will not be subject to the NYVIP3 equipment requirements. These government entities will be subject to the proposed revised opacity cutpoints when applicable to ODEIS.

Overall, the Department does not anticipate any significant costs to rural areas.

4. Minimizing adverse impact:

The large majority of impacts associated with the proposed amendments affect ODEIS in NYMA. The minimal impacts to rural areas would be isolated to some governmental entities not regulated as ODEIS. The Department informed impacted governmental entities not regulated as ODEIS, such as DEC, MTA, and NYSDOT about the possible impacts of the proposed amendments throughout the development of the proposed amendments. Overall, the Department does not anticipate any significant adverse impacts to rural areas.

The Department will assess public comments regarding rural impacts received in the public commenting period of the proposed amendments.

5. Rural area participation:

The Department will hold public commenting periods for the proposed amendments as a part of the rule making process which will allow for stakeholders in rural areas to participate in the rulemaking process. Additionally, the Department consulted impacted governmental entities not regulated as ODEIS, such as DEC, MTA, and NYSDOT that may operate in rural areas throughout the development of the proposed amendments.

Job Impact Statement

1. Nature of impact:

The New York State Department of Environmental Conservation (Department) is proposing to amend Subpart 217-5, Heavy Duty Inspection and Maintenance Program, and Section 200.9, Referenced Material, to reflect revised Heavy-Duty Diesel Vehicle Inspection and Maintenance Program (“HDDV I/M”) requirements. The proposed amendments would implement the revised HDDV I/M requirements through the statewide New York Vehicle Inspection Program (NYVIP3) tentatively scheduled to begin on December 1, 2022. The proposed amendments require official diesel emission inspection stations (ODEIS) located in the New York Metropolitan Area (NYMA) to purchase new integrated diesel emission inspection equipment through NYVIP3. Additionally, once a full transition to NYVIP3 is complete, the proposed amendments will revise opacity cutpoints to be more stringent. DEC will make this determination anticipated around April 2023.

The adopted amendments to the regulations may adversely impact jobs and employment opportunities in New York State, specifically in NYMA. The existing HDDV I/M has required annual smoke opacity emission testing for applicable HDDVs registered within the downstate New York Metropolitan Area (NYMA) since 1999. New York State implemented the initial round of the New York State Vehicle Inspection Program in 2004 to require statewide onboard diagnostic (OBD) I/M emissions testing for applicable light-duty vehicles in accordance with federal I/M requirements and New York’s State Implementation Plan. The Department is unaware of any significant adverse impact to jobs and employment opportunities as a result of previous revisions.

2. Categories and numbers affected:

The proposed revisions may have an adverse impact on ODEIS in NYMA. The Department anticipates that some of the current ODEIS will make the business decision to discontinue completing HDDV I/M inspections with NYVIP3. The Department estimates that there are 800-1,000 smoke opacity meters currently in use, with 500-700 opacity meters at ODEIS. The remaining units are used by state government entities not regulated as ODEIS. For the regulated ODEIS stations that choose to continue participating in the HDDV I/M, there will be a cost associated with purchasing the new integrated NYVIP3 equipment to perform the HDDV I/M, as well as a transaction fee for each inspection performed on the integrated NYVIP3 equipment.

The proposed revisions may have an adverse impact on government entities not regulated as ODEIS. The department estimates that 300 smoke opacity meters are in use by government entities not regulated as ODEIS. While not required to purchase new integrated NYVIP3 equipment, these entities in the future could choose to purchase new integrated NYVIP3 equipment. In such a case, there will be a cost associated with purchasing the new integrated NYVIP3 equipment to perform the HDDV I/M, as well as a transaction fee for each inspection performed on the integrated NYVIP3 equipment.

Additionally, the proposed revisions may have an adverse impact on ODEIS in NYMA and government entities not regulated as ODEIS due to the more stringent opacity standards to be implemented after the full implementation of NYVIP3. The more stringent opacity standards are anticipated to cause higher failure rates of vehicles tested in the HDDV I/M, incurring a cost of repairing these failing vehicles.

3. Regions of adverse impact:

The New York Metropolitan Area (NYMA). NYMA geographically includes Bronx, Kings, New York, Nassau, Queens, Richmond, Rockland, Suffolk, and Westchester counties.

4. Minimizing adverse impact:

ODEIS facilities were notified of the revised NYVIP3 equipment requirement prior to the NYVIP3 procurement. NYVIP2 stations were sent station message reminders in January 2020, March 2021, December 2021, and March 2022. The DEC website notes the proposed HDDV I/M transition to NYVIP3.

The proposed regulation would not require certain New York State governmental entities to purchase NYVIP3 equipment for HDDV I/M opacity testing. These entities are the Metropolitan Transportation Authority (MTA), which is exempt under 15 NYCRR Part 79.2(d)(4); the NYS Department of Transportation (NYSDOT) as limited to school bus inspections completed under 217-5.2(b)(1)(i); and DEC for roadside inspections under 217-5.2(c). These government entities are not licensed by DMV as ODEIS, nor do they authorize NYS Heavy Duty Diesel safety/emission stickers.

5. Self-employment opportunities:

None that the Department is aware of at this time.

Department of Financial Services**EMERGENCY
RULE MAKING****Fees (Maximum Fee That May be Charged by Licensed Check Cashers for Cashing Checks for Retail Consumers)**

I.D. No. DFS-47-22-00003-E

Filing No. 934

Filing Date: 2022-11-07

Effective Date: 2022-11-07

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

Action taken: Amendment of section 400.11 of Title 3 NYCRR.

Statutory authority: Financial Services Law, sections 202, 302; Banking Law, sections 10, 14, 371 and 372

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

Specific reasons underlying the finding of necessity: Pursuant to Section 372 of the Banking Law, the Superintendent of Financial Services is required, by regulation, to “establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order.” Since 1994, the maximum check cashing fee has been established by Section 400.11. That section provides a base maximum check cashing fee that increases every year “based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers” (“CPI”).

Following a 2019 amendment to Section 400.11, the maximum fee that a licensee may charge for cashing a retail check was set at the greater of “2.19 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section,” or one dollar. The increase to the maximum fee is calculated by multiplying the existing maximum fee by the increase in the CPI, and adding the result to the existing maximum fee. These increases are cumulative, meaning that each annual maximum fee increase results in a new base maximum fee. As a result of the increase established by Section 400.11, the base maximum fee for cashing a check rose to 2.23% in 2020, and 2.27% in 2021.

However, Section 400.11 provides that “[n]othing herein shall be deemed to prohibit the Superintendent from setting, by regulation, a different maximum per centum fee at any time where the Superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers”.

Section 400.11 establishes a fixed methodology by which the maximum fee increases every year, based on an increase in a broad, regional measure of consumer prices that measures the average prices of a basket of consumer goods and services.

In light of the prolonged adverse economic impact on New York consumers, particularly those that utilize the services of check cashing industry, the Department of Financial Services (the “Department”) is concerned with the adequacy of the process established by Section 400.11 and does not believe the fixed methodology established several years ago adequately considers other factors that need to be taken into account to protect the public interest. For example, the Department does not believe CPI is an appropriate basis to increase the maximum check cashing fee on an annual basis. CPI is a broad regional measure of the cost of living for a variety of consumers based on changes in prices of a host of consumer goods and services, such as food, energy, transportation, and medical care. It is a measure of the prices that consumers pay to buy goods and services for their day-to-day living. This is not necessarily a reliable or accurate indicator of the costs of operating a business generally, or a check cashing business, specifically, particularly as unexpected events, such as a prolonged pandemic, could have significant adverse impact on the financial health of the users of check cashing services. In fact, Section 400.11 essentially treats check cashers as urban consumers, granting annual fee increases without taking into account that, for example, an increase in CPI means that the purchasing power of the consumer declines.

Focusing solely on CPI ignores other, more relevant factors relating to costs of a check casher, and entirely ignores the associated impact of CPI increases on consumers. Among other things, solely relying on CPI ignores actual business expenses, other additional streams of income that many

check cashers generate, such as cashing commercial checks that are not subject to statutory fee limits, or because they use their business as a platform to offer additional services, and their business practices. Moreover, it discounts the potential that CPI increases may beneficially impact check cashing fees, and does not consider whether the increase in fees, along with the rising costs of other goods and services, has an undue and unfair impact on consumers. For example, if wages increase with inflation, the face value of the checks being cashed increases as well. Larger checks generate higher fees for check cashers, and an annual fee increase, in essence, would result in the maximum check cashing fee increasing twice. Conversely, if wages are stagnant, automatic increases in check cashing fees mean that consumers are being hit with price increases and an increase in the cost of cashing checks.

All of this indicates that the calculation of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Section 400.11 is inadequate. Therefore, while the Department adopts a new methodology to set the maximum fee for cashing a check, there will be no increase in the maximum check cashing fee for 2022. Accordingly, until a permanent regulation is adopted codifying a new methodology, this emergency regulation will maintain the status quo by setting the base maximum rate set forth in subdivision (a) of Section 400.11 at last year's rate of 2.27%, and subdivision (b) shall provide that the annual maximum fee calculation will resume in 2023 based on a new methodology to be established pursuant to the permanent regulation.

In reaching this conclusion, the Department notes that many check cashers have other sources of revenue, including commercial check cashing, for which there is no limit on the fees that check cashers may charge, and income related sources of business, including agency agreements with money transmitters. The income generated by check cashers over the last several years has been sufficient to support substantial salaries and expenses for high level employees of check cashers. Moreover, many licensed check cashers offer discounted fees to certain customers and employees while charging the maximum fee to others, resulting in a tiered pricing scheme that raises additional questions about the need to continuously raise the maximum check cashing fee.

While the check cashing industry has continuously received fee increases, including two fee increases in 2019 – a special fee increase as well as an increase based on CPI changes – and an increase in 2020, and 2021, the consumers that check cashers generally serve have been struggling due to the impact of COVID-19. The fee increase process implemented by Section 400.11 does not consider the impact of the constant increases in the maximum fee on the consumers. Instead, it provides for a fixed process, without taking into account the full impact of the prevailing market conditions and the socio-economic impact of unforeseen events, such as a prolonged pandemic on consumers. To balance the consumer interest implicated by the maximum check cashing fee, keeping the fee steady for this year is warranted.

The emergency adoption of this regulation is necessary because, as Section 400.11 is currently drafted, the Department was scheduled to post the increase to the maximum check cashing fee indicated by the CPI increase by February 11, 2022. Because the Superintendent is not authorizing an increase to the maximum check cashing fee this year, the emergency will eliminate the posting requirement for this year and provide time for the Department to revise the process by which increases to the maximum check cashing fee are implemented.

Subject: Fees (maximum fee that may be charged by licensed check cashers for cashing checks for retail consumers).

Purpose: To freeze the automatic increase to the maximum fee currently contemplated by section 400.11.

Text of emergency rule: Section 400.11 is amended to read as follows:

(a) Except with respect to the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons, a licensee shall be permitted to charge or collect a fee for cashing a check, draft or money order not to exceed:

(1) [2.19] 2.27 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section; or

(2) \$1, whichever is greater.

(b) Effective January 1, [2005] 2023, and annually thereafter, the maximum per centum fee specified in subdivision (a) of this section, shall be increased by a per centum amount, based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers (annual CPI-U), as reported by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year preceding the year in which such increase is made compared to such annual CPI-U for the year prior to such preceding year. The maximum per centum fee that may be charged or collected for cashing a check, draft or money order pursuant to this section in effect at such time shall be

multiplied by such computed per centum amount and the result added to such maximum per centum fee. The resulting sum shall be the revised maximum per centum fee, which shall be posted upon the internet site of the Department of Financial Services (www.dfs.ny.gov) by the superintendent not later than 45 days following the public release of such annual index by the U.S. Department of Labor. Such revised maximum per centum fee shall be calculated and posted to the nearest one-hundredth of a per centum. Such revised maximum per centum fee shall be effective not later than 45 days after the superintendent shall have notified the Majority Leader of the Senate, the Speaker of the Assembly, and the chairperson of the Senate and Assembly Committees on Banks of his/her intention to change the maximum per centum fee pursuant to the provisions of section 372.3 of the Banking Law and shall continue in effect until revised and increased in the next succeeding year based upon an increase in such annual index. If such CPI-U does not increase in any one year, the maximum per centum fee in effect during the year in which the index does not increase shall remain unchanged in the next succeeding year. Nothing herein shall be deemed to prohibit the superintendent from setting, by regulation, a different maximum per centum fee at any time where the superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers. No maximum fee shall apply to the charging of fees by licensees for the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons.

This notice is intended to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires February 4, 2023.

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

Regulatory Impact Statement

1. Statutory Authority: Financial Services Law Sections 202 and 302 and Banking Law Sections 10, 14, 371 and 372.

Financial Services Law Section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

Financial Services Law Section 302 authorizes the Superintendent to prescribe regulations interpreting the Banking Law and to effectuate any power granted to the Superintendent in the Banking Law, Financial Services Law, and any other law.

Pursuant to Banking Law Section 372, licensed cashers of checks may only charge a fee for cashing checks for retail consumers that does not exceed the maximum fee established by the Superintendent by regulation. Pursuant to that authority, the Department of Financial Services ("Department") sets the maximum fee, and a process for increasing the maximum fee, in Part 400.11 of Title 3 of the NYCRR. Additional authority for setting the fee is provided by Banking Law Sections 10, 14, and 371.

2. Legislative Objectives: By requiring the Department to establish the maximum fee that may be charged by licensed cashers of checks for cashing checks for retail consumers, the Legislature intended for the Department to balance the interests of consumers in paying a reasonable fee to cash their checks and the needs of the industry to conduct their business.

3. Needs and Benefits: Pursuant to Banking Law Section 372, the Superintendent is required, by regulation, to "establish the maximum fees which may be charged by licensees for cashing a check, draft, or money order." Since 1994, the maximum check cashing fee has been established by Part 400.11. That Part provides a base maximum check cashing fee that increases every year "based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers" ("CPI").

Following a 2019 amendment to Section 400.11, the maximum fee that a licensee may charge for cashing a retail check was set at the greater of "2.19 per centum of the amount of the check, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section," or one dollar. The increase to the maximum fee is calculated by multiplying the existing maximum fee by the increase in the CPI and adding the result to the existing maximum fee. These increases are cumulative, meaning that each annual maximum fee increase results in a new base maximum fee. As a result of the increase established by Section 400.11, the base maximum fee for cashing a check rose to 2.23% in 2020, and 2.27% in 2021.

In light of the prolonged adverse economic impact on New York consumers, particularly those that utilize the services of the check cashing industry, the Department believes the process established by Section 400.11 is inadequate.

The calculation of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Section 400.11 must be changed. Therefore, while

the Department proposes and ultimately adopts a new methodology to set the maximum fee for cashing a check, there will be no increase in the maximum check cashing fee for 2022. Accordingly, until a permanent regulation is adopted codifying a new methodology, this emergency regulation will maintain the status quo by setting the base maximum rate set forth in subdivision (a) of Section 400.11 at last year's rate of 2.27%.

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

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

6. Paperwork: This regulation creates no new paperwork requirements.

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

8. Alternatives: The Department weighed other alternatives, including allowing the existing fee increase mechanism provided by Section 400.11 to continue in effect. However, the Department concluded that no increase to the maximum check cashing fee is necessary this year.

Regulated entities have an opportunity to participate in the rulemaking process. The Department has proposed a permanent change to the regulation and accepted public comments on its proposal. The Department is presently evaluating the public comments it received, particularly those received from regulated entities and their representatives. The proposal is also published on the Department's website at: https://www.dfs.ny.gov/industry_guidance/regulations/proposed_banking

9. Federal Standards: Federal law does not govern the maximum fee that check cashers may charge for cashing retail consumer checks.

10. Compliance Schedule: The emergency adoption is effective immediately.

Regulatory Flexibility Analysis

1. Effect of Rule: The amendment does not apply to any local government. Seventy-three (73) of seventy-eight (78) of the Department's licensed check cashers qualify as small businesses that employ less than one hundred (100) employees. The amendment does not impose any additional impacts on small businesses. Small businesses must continue to maintain the maximum fee that may be charged by licensed check cashers to cash checks for retail consumers for this year.

2. Compliance Requirements: The amendment does not change existing compliance requirements. Pursuant to Banking Law Section 372 and 3 NYCRR Section 400.11, the maximum fee that may be charged for cashing a check is already regulated by the Department of Financial Services ("Department"). The amendment maintains the maximum amount that may be charged this year while the Department assesses the methodology.

3. Professional Services: No regulated entity that is a small business should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance Costs: No additional compliance costs are expected as a result of the amendment.

5. Economic and Technological Feasibility: No additional economic or technological burden on regulated entities that are small businesses are expected.

6. Minimizing Adverse Impact: No adverse impacts are expected.

7. Small Business and Local Government Participation: Regulated entities that are small businesses have an opportunity to participate in the rulemaking process. The Department has proposed a permanent change to the regulation and accepted public comments on its proposal. The Department is presently evaluating the comments it received.

Rural Area Flexibility Analysis

1. Types and Estimated Numbers of Rural Areas: There are entities regulated by the New York State Department of Financial Services located in all areas of the State, including rural areas. Six (6) of seventy-eight (78) check cashers presently licensed by the Department do business in rural areas of the state. However, amendments are not expected to impose any additional costs on regulated entities. Rather, the amendments hold the maximum fee that may be charged for cashing retail consumer checks steady while the Department of Financial Services proposes and ultimately adopts a new methodology for establishing the maximum check cashing fee.

2. Reporting, Recordkeeping, and Other Compliance Requirements; and Professional Services: The amendment does not create any new reporting, recordkeeping or compliance requirements. No entity subject to the regulation should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: The amendment will not increase costs for regulated entities.

4. Minimizing Adverse Impact: The regulation maintains the current maximum fee that may be charged for cashing retail checks while the Department proposes and ultimately adopts a new methodology for establishing the maximum check cashing fee.

5. Rural Area Participation: Regulated entities in rural areas have an op-

portunity to participate in the rulemaking process. The Department has proposed a permanent change to the regulation accepted public comments on its proposal. The Department presently is evaluating the comments it received.

Job Impact Statement

Statement Setting Forth the Basis for the Finding that the Amendment to Section 400.11 of the Superintendent's Regulations of 3 NYCRR Will Not Have a Substantial Adverse Impact on Jobs and Employment Opportunities

This emergency regulation maintains the status quo in terms of the maximum fees that check cashers may charge consumers. The calculation of the maximum check cashing fee is a nuanced issue, requiring a balancing of a number of competing interests, and the process currently set forth in Part 400.11 is inadequate. Therefore, the Department is proposing a new methodology soon to set the maximum fee for cashing a check. There will be no increase in the maximum check cashing fee for 2022.

This amendment should not adversely impact jobs or employment opportunities in New York State. In reaching this conclusion, the Department notes that many check cashers have other sources of revenue, including commercial check cashing, for which there is no limit on the fees that check cashers may charge, and income related sources of business, including agency agreements with money transmitters. The income generated by check cashers over the last several years has been sufficient to support substantial salaries and expenses for high level employees of check cashers. Moreover, many licensed check cashers offer discounted fees to certain customers and employees while charging the maximum fee to others, resulting in a tiered pricing scheme that raises additional questions about the need to continuously raise the maximum check cashing fee. For these reasons, an inflation adjustment for the maximum fee is not necessary this year.

Office of Mental Health

NOTICE OF ADOPTION

Relating to the Certification, Operation and Reimbursement of Clinic Treatment Programs Serving Adults and Children

I.D. No. OMH-23-22-00021-A

Filing No. 935

Filing Date: 2022-11-08

Effective Date: 2022-11-23

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

Action taken: Amendment of Part 599 of Title 14 NYCRR.

Statutory authority: Mental Hygiene Law, sections 7.09, 31.04, 31.06, 31.02, 31.07, 31.09, 31.13, 31.11, 31.19, 41.13, 43.01; Social Services Law, sections 364, 364-a, 364-j and 365-m

Subject: Relating to the certification, operation and reimbursement of clinic treatment programs serving adults and children.

Purpose: To align such program with the State Plan Amendment.

Substance of final rule: • The Office of Mental Health propose amendments to Part 599 of Title 14. In November 2021, CMS approved moving clinic into the Medicaid Rehabilitative Services ("rehab option") in the State Plan Amendment, requiring several amendments to Part 599. Services covered under the "Rehab Option" provide a more flexible benefit than other services generally used for mental health services.

The proposed rule in summary:

1. Renames Clinic to Mental Health Outpatient Treatment and Rehabilitative Services Programs and removes outdated terms and provisions.

2. Adds Peer/Family Support Services to regulation:

• Added peer staffing definitions including certified peer specialists, credentialed family peer advocates and credentialed youth peer advocates who are qualified by personal experience and certified or provisionally certified.

• Defined Peer and Family Peer Recovery Support Services to mean services for adults and children/youth, including age-appropriate psychoeducation, counseling, person-centered goal planning, modeling effective coping skills, and facilitating community connections and crisis support to reduce symptomology and restore functionality. Family Peer Recovery Support Services also include engagement, bridging support, parent skill development, and crisis support for families caring for a child who is experiencing social, emotional, medical, developmental, substance use

and/or behavioral challenges in their home, school, placement, and/or community to promote recovery, self-advocacy, and the development of natural supports and community living skills.

- Provides an allowance for unlimited number of preadmission Peer/Family Support Services for engagement into clinic and such services are not counted towards the 30 visit threshold reduction of reimbursement.

2. Provides off-site visits as allowable for all individuals receiving clinic services:

- Defines Off-Site Location as a location at which services are delivered. Locations including but not limited to the community, or the individual's place of residence. The location in which the service is provided is determined by the individual's needs and goals documented in the individual's record.

- Adds requirements for policies and procedures for off-site locations including safety protocols.

- States that off-site services shall be provided in settings that are conducive to meeting treatment goals and objectives, be accommodating to the conditions and needs of those being served, be safe and accessible for all, and assure privacy for the delivery of services.

- Continues 150% reimbursement for all offsite locations.

3. Incorporates Intensive outpatient Program (IOP) in regulation, eliminating the need for waivers:

- Mental Health Outpatient Treatment and Rehabilitative Services Programs may obtain prior approval from the Office of Mental Health to provide Intensive Outpatient Program (IOP). IOP means providing additional and intensive outpatient services to individuals who may benefit from more intensive, time-limited treatment.

- Added IOP under service level needing OMH approval.

- Changed Clinic Based IOP to just IOP due to clinic name change.

4. Adds permanent rounding for services:

- Aligns with current Public Health Emergency (PHE) allowance to continue post PHE.

- For group therapy, allows for the option of up to 40, and less than 60 minutes be used with a 30% reduction in reimbursement.

5. Co-enrollment for clinics:

- Allows an individual to receive service from two clinics, as long as it is not the same service on the same day.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 599.3, 599.4, 599.6, 599.8 and 599.14.

Text of rule and any required statements and analyses may be obtained from: Sara Paupini, Esq., Office of Mental Health, 44 Holland Ave., Albany, NY 12229, (518) 474-1331, email: regs@omh.ny.gov

Revised Regulatory Impact Statement

1. Statutory authority: Section 7.07(c) of the Mental Hygiene Law charges the Office of Mental Health with the responsibility for seeing that persons with mental illness are provided with care and treatment, and that such care, treatment and rehabilitation is of high quality and effectiveness.

Sections 7.09 and 31.04 of the Mental Hygiene Law grant the Commissioner of Mental Health the power and responsibility to adopt regulations that are necessary and proper to implement matters under their jurisdiction, and to set standards of quality and adequacy of facilities, equipment, personnel, services, records and programs for the rendition of services for adults diagnosed with mental illness or children diagnosed with emotional disturbance, pursuant to an operating certificate.

Sections 364 and 364-a of the Social Services Law give the Office of Mental Health responsibility for establishing and maintaining standards for medical care and services in facilities under its jurisdiction, in accordance with cooperative arrangements with the Department of Health.

Section 43.01 of the Mental Hygiene Law gives the Commissioner authority to set rates for outpatient services at facilities operated by the Office of Mental Health. Section 43.02 of the Mental Hygiene Law provides that payments under the medical assistance program for outpatient services at facilities licensed by the Office of Mental Health shall be at rates certified by the Commissioner of Mental Health and approved by the Director of the Budget.

2. Legislative objectives: Articles 7 and 31 of the Mental Hygiene Law reflect the Commissioner's authority to establish regulations regarding mental health programs. The proposed rule furthers the legislative policy of providing high quality outpatient mental health services to individuals with mental illness in a cost-effective manner. Part 599 of Title 14 NYCRR sets forth standards for the certification, operation and reimbursement of clinic treatment programs serving adults and children.

3. Needs and benefits: The State is looking to provide more flexibility for Clinics by aligning clinic with the recently approved State Plan Amendment. These changes allow treatment to be provided with more of a person-centered approach, moving clinicians away from treating the chart, to treating the individual. The proposed rule will add Peer/Family Support Services and allow for an unlimited number of preadmission Peer/Family Support Services for engagement, which would not count towards the

thirty visit threshold reduction of reimbursement. The proposed rule will add off-site visits as allowable for all individuals receiving clinic services and incorporate Intensive Outpatient Program (IOP) in regulation, eliminating the need for waivers. The rule also proposes adding permanent rounding for services, which aligns with the current Public Health Emergency (PHE) allowance, to continue post PHE. The rule as proposed will allow an individual to enter into co-enrollment for clinics by permitting such individual to receive services from two clinics as long as it is not the same service on the same day.

4. Costs:

(a) Cost to State government: There will be costs associated with the addition of peer support services, but there is an anticipated savings from the addition of such services to Mental Health Outpatient Treatment and Rehabilitative Services (formerly known as Clinic). The estimated annual net aggregate increase in gross Medicaid expenditures attributable to this initiative contained in the budget for State Fiscal Year 2020/2021 is \$1.1 million and \$4.2 million for State Fiscal Year 2021/2022. Any costs above are Medicaid eligible and shared with the Federal Government.

(b) Cost to local government: These regulatory amendments will not result in any additional costs to local government.

(c) Cost to regulated parties: These regulatory amendments will not result in any additional costs to those regulated parties.

5. Local government mandates: These regulatory amendments will not result in any additional imposition of duties or responsibilities upon county, city, town, village, school or fire districts.

6. Paperwork: No substantial increase in paperwork is anticipated as a result of the amendments to 14 NYCRR Part 599.

7. Duplication: These regulatory amendments do not duplicate existing State or federal requirements.

8. Alternatives: No alternatives were considered, as these amendments seek to conform regulations to the State Plan Amendment and CMS guidelines to ensure that clinics remains in compliance. Not conforming to the state plan amendment will cause confusion in the field regarding both service delivery and payment. Outpatient Mental Health Services are person-centered, recovery-oriented rehabilitative services designed to help individuals achieve and maintain recovery from mental health conditions by treating the symptoms of those conditions and restoring skills which have been lost due to the onset of mental illness and which are necessary for individuals to manage and cope with the symptoms and behaviors associated with mental health conditions and function successfully in the community. Medically necessary Outpatient Mental Health Services are those which are necessary to promote the maximum reduction of symptoms and/or restoration of an individual to their best age-appropriate functional level and are provided according to an individualized treatment plan.

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

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

Revised Regulatory Flexibility Analysis

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

Revised Rural Area Flexibility Analysis

No rural area flexibility analysis is required pursuant to section 202-bb(4)(a) of the State Administrative Procedure Act. 14 NYCRR Part 599 will align the clinic program with the State Plan Amendment and provide for greater flexibilities. The proposed rule will not impose any adverse economic impact on rural areas; therefore, a Rural Area Flexibility Analysis is not necessary with this notice.

Revised Job Impact Statement

The amendments to 14 NYCRR Part 599 are intended to provide regulatory relief to providers and allow flexibility in the delivery of mental health services to more accurately reflect the needs of recipients and standards of good clinical care. It is evident from the subject matter of this rule that it could only have a positive impact or no impact on jobs or employment, therefore a Job Impact Statement is not necessary with this notice.

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

Comment: The inclusion of authority for Nurse Practitioners to sign all types of plans regardless of patient insurance or medication status would significantly reduce burden during this staffing crisis.

Response: Section 599.10 9(c)(7) of the rule addresses this comment.

Comment: Requesting guidance around when an off-site service requires a satellite application.

Response: The topic will be addressed in guidance issued by the Office. Providing services offsite is not intended to replace satellite sites.

Comment: A commentor requested additional accountability for Medicaid managed care organizations (MCOs) and requested OMH to reach out to such MCOs to ensure that they meet their obligations.

Response: The comment is outside the scope of the regulation, MCO notification about changes to the regulation will occur prior to the rule becoming effective and training sessions will be provided.

Comment: A commentor supported the expansion of off-site services to include homes and community locations and the exclusion of off-site visits from the utilization threshold and recommended that off-site services be paid at the proposed rate of 150%, to be fiscally viable.

Response: The Office appreciates the comment and notes that the regulation The Office appreciates the comment and notes that is the intention to have offsite service paid at a rate of 150%. Offsite services are intended to be provided in locations, such as in the home or other community locations. Offsite rate codes are exempt from utilization threshold counts.

Comment: A commentor expressed support for all clinics to have the option to offer peer and family peer support services and encourages the Office to continue efforts to better recruit and retain peers, including the development of career ladders and to provide technical assistance.

Response: No amendment is required at this time. There is continuous development throughout the agency concerning peer guidance as well as training institutes and resources to support clinic and other programs in providing peer support services.

Comment: A commentor supported amendments to allow Intensive Outpatient Programs with prior approval, and without needing to go through a waiver process.

Response: Comment is supportive of the rule, no response necessary.

Comment: A commentor supported the amendments to allow co-enrollment and encouraged the Office to provide additional detail, either in regulation or through guidance.

Response: Comment is supportive of the rule, concerns will be addressed in guidance.

Comment: A commentor supported the amendments to allow nurse practitioners of psychiatry to sign treatment plans.

Response: Comment is supportive of the rule, no response necessary.

Comment: A commentor requested clarification as to whether existing programmatic and clinical guidance for intensive outpatient programs will change as a result of the proposed amendments.

Response: Specifics on these topics will be addressed in guidance.

Comment: A commentor recommended expanding Section 599.4(b)(4) to include experience working with serious emotional disturbance (SED) in order to include providers with a wider array of experience and clarify whether paraprofessional services are intended for adults only.

Response: The Office has clarified this concern by using the term Mental Illness, which is inclusive of SED.

Comment: A commentor requested clarification as to why family/collateral; psychotherapy, group psychotherapy, group psychotherapy and injectable psychotropic medication administration was removed from the list of services offered.

Response: The language was removed in error and has been added back into the final regulation.

Comment: A commentor recommended that OMH clarify the scope of practice for certified Peer Specialists, credentialed Family Peer Advocates, and credentialed Youth Peer and recommended that the State support the transition of supervision to experienced Peer Specialist, Family Peer, and Youth Peer providers with access to treatment plan consultation by a licensed practitioner as needed.

Response: The Office appreciates the comments and notes there is continuous development throughout the agency concerning peer guidance as well as training institutes and resources to support clinic and other programs in providing peer support services.

Comment: A commentor recommended additional guidance concerning the Office's approach to collecting demographic information.

Response: The Office intends for each agency to continue to adhere to their demographic intake process and that there has been no change to this provision of the rule.

Comment: A commentor requested that individual psychotherapy for school-based programs with a duration of 40 minutes should be maintained at billing for a 45-minute duration.

Response: Individual Psychotherapy - Brief has a range of time between 16-37 minutes. Individual Psychotherapy - Extended has a range of time between 38-52 minutes. Clinics should bill according to those timeframes.

Comment: A commentor recommended that 599.14(f)(3) be clarified

regarding whether an individual will have the flexibility to receive reimbursement for different services provided by multiple Mental Health Outpatient Treatment and Rehabilitative Service programs.

Response: The Office is currently developing additional guidance regarding co-enrollment.

Comment: This amendment removes Medicaid Fee-for-Service (FFS) reimbursement for specialty clinics providing procedures to children with a serious emotional disturbance enrolled in Medicaid Managed Care. This raises several questions:

Has the child SED clinic designation been terminated as a result of this amendment?

Response: Claims for services delivered to children who have been designated as serious emotional disturbance (SED) and have Medicaid managed care are required to submit the claims directly to managed care using the "non-SED" rate codes (e.g. 1504). SED has been in managed care since 7/1/2019.

Comment: A commentor asked for clarification on whether there will still be children receiving services on a Fee For Service basis?

Response: Medicaid enrolled children who are not enrolled in Medicaid managed care can be billed on a Fee for Service basis.

Comment: A commentor recommended guidance relating to off-site locations: addressing which types of off-site locations are permitted, reimbursement for providers' travel time, transportation costs, and costs related to the use of electronic tools to document services rendered in off-site locations; clarifying what is considered a "regularly and routinely scheduled basis"; clarifying how "safe and accessible for all" should be applied to locations that necessarily may not be accessible to all, such as a particular location that the patient prefers.

Response: The Office is updating Offsite guidance and will address these areas further in such guidance.

Comment: A commentor recommended the Office provide flexibility and resources to support the implementation of changes relating to new written policy requirements.

Response: The Office appreciates the comment, and will take such into account in the development of guidance and implementation procedures.

Comment: A commentor recommended the Office streamline prior approval for optional services, to minimize unnecessary delays in access to care.

Response: Updated regulations allow for increased flexibilities than previously allowed relating to optional services, and no additional optional services were added requiring prior approval other than IOP which requires an Administrative Action.

Comment: A commentor supports the expansion of qualified care providers eligible to participate in service delivery, psychiatric consultation, psychiatric assessments and treatment planning.

Response: The Office appreciates the comment in support of the proposed rule.

Comment: A commentor wanted clarification as to whether a Psychiatrist can be a Licensed Physician that is not Board Certified?

Response: A psychiatrist is a physician who completed an ACGME accredited general adult psychiatry residency. A child psychiatrist is a physician who completed an ACGME accredited fellowship program in child and adolescent psychiatry.

Comment: A commentor was seeking specific information regarding re-admissions and whether a full new intake would be required.

Response: Adult program specific questions should be provided to the Clinic email box for assistance- omh.sm.Adult-Clinic@omh.ny.gov

Comment: A commentor wanted clarification regarding telehealth for medication management and renewals, and the end of flexibilities relating to initial face to face requirements via waiver.

Response: Adult program specific questions should be provided to the Clinic email box for assistance- omh.sm.Adult-Clinic@omh.ny.gov

Public Service Commission

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

Notice of Intent to Submeter Electricity
I.D. No. PSC-47-22-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:
Proposed Action: The Commission is considering the notice of intent of 9

DeKalb Fee Owner LLC to submeter electricity at 55 Fleet Street, Brooklyn, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by 9 DeKalb Fee Owner LLC (Owner) on August 29, 2022, seeking authority to submeter electricity at a new market rate rental and condominium building, located at 55 Fleet Street, Brooklyn, New York, 11201, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. 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-0500SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity and Waiver Request

I.D. No. PSC-47-22-00007-P

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

Proposed Action: The Commission is considering the notice of intent of 75 Lewis Avenue LLC to submeter electricity at 75 Lewis Avenue, Brooklyn, New York and request for waiver of the requirement of an energy audit pursuant to 16 NYCRR § 96.5(k)(3).

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

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

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

Substance of proposed rule: The Commission is considering the notice of intent filed by 75 Lewis Avenue LLC, (Owner) on September 8, 2022, seeking authority to submeter electricity at a new rental building, with both fair market and rent stabilized units, located at 75 Lewis Avenue, Brooklyn, New York 11201, located in the service territory of Consolidated Edison Company of New York Inc. (Con Edison). The Owner also requested waiver of 16 NYCRR § 96.5(k)(3), the requirement for an energy audit for buildings where 20 percent or more of the residents receive income-based housing assistance.

In the notice of intent, the Owner requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants pursuant to 16 NYCRR § 96.2. Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The Commission is also considering the Owner's statement that 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance, is not applicable in this case. The Owner cites previous Commission Orders, stating that the Commission only requires compliance with 16 NYCRR § 96.5(k)(3) when low-income residents receive direct subsidies to assist in paying housing costs or when rental units are offered at reduced rates to residents below the area median income (AMI). The Owner states that the rent stabilized units will be reserved for tenants who will not be subsidized and who can earn up to 130 percent of the AMI. Therefore, proof of an energy audit pursuant to 16 NYCRR § 96.5(k) would not be required in this case.

The full text of the notice of intent, waiver request, and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. 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-0531SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Proposed Revisions Related to the Participation of Distributed Energy Resources

I.D. No. PSC-47-22-00008-P

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

Proposed Action: The Commission is considering proposed tariff revisions filed by multiple utilities to enable dual participation by Distributed Energy Resources in wholesale and retail markets.

Statutory authority: Public Service Law, sections 5(2), 65 and 66

Subject: Proposed revisions related to the participation of Distributed Energy Resources.

Purpose: To align utility retail tariffs with wholesale tariffs.

Substance of proposed rule: The Public Service Commission (Commission) is considering proposals, filed on September 30, 2022, by Central Hudson Gas and Electric Corporation; Consolidated Edison Company of New York, Inc.; Niagara Mohawk Power Corporation d/b/a National Grid; New York State Electric & Gas Corporation; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation (collectively, the Companies), to modify tariffs related to Distributed Energy Resources (DERs) to ensure consistency with Federal Energy Regulatory Commission (FERC) Order Nos. 2222 and 841.

The Companies' proposals seek to accommodate participation by DERs in both retail programs and in the wholesale markets administered by the New York Independent System Operator, Inc. (NYISO). The tariff amendments would, among other things, establish participation eligibility requirements (including for energy storage projects), rules for compensation to prevent duplicative compensation from a retail program and the NYISO for providing the same service, and cost recovery associated with dual participation. The proposed tariffs would modify provisions related to Net Energy Metering and/or Value Stack compensation, Standby and Buyback Service, demand response programs, and others. The proposed amendments have an effective date of July 1, 2023. The Companies also request the newspaper pub-

lication requirements of Public Service Law § 66(12)(b) and 16 NYCRR § 720-8.1 be waived, as the changes may be communicated to customers through program information to be posted on the Companies' respective websites.

The full text of the tariff revisions 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 also resolve related matters.

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

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-0549SP1)

Department of State

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Creation of a Cease and Desist Zone Within Kings County

I.D. No. DOS-47-22-00004-P

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

Proposed Action: Amendment of section 175.17 of Title 19 NYCRR.

Statutory authority: Real Property Law, section 442-h; L. 2021, ch. 581

Subject: Creation of a cease and desist zone within Kings County.

Purpose: To adopt a cease and desist zone for a designated area within Kings County and remove reference to expired zones.

Text of proposed rule: 19 NYCRR Section 175.17 is amended as follows:

(a)(1) No broker or salesperson shall induce or attempt to induce an owner to sell or lease any residential property or to list same for sale or lease by making any representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, age, sex, sexual orientation, disability, gender identity, military status, familial status or any other protected category under any Federal, State or local law applicable to the activities of real estate licensees in New York State.

(2)(i) No licensed real estate broker or salesperson shall solicit the sale, lease, or the listing for sale or lease of residential property after such licensee has received written notice from an owner thereof that such owner or owners do not desire to sell, lease, or list such property.

(ii) Notice provided under the provisions of this subdivision to a real estate broker shall constitute notice to all associate brokers and salespersons who are employed by the real estate broker.

(3)(i) No licensed real estate broker or salesperson shall solicit the sale, lease, or the listing for sale or lease of residential property from an owner of residential property located in a designated cease-and-desist zone if such owner has filed a cease-and-desist notice with the Department of State indicating that such owner or owners do not desire to sell, lease, or list their residential property and do not desire to be solicited to sell, lease, or list their residential property.

(ii) The following geographic areas are designated as cease-and-desist zones, and, unless sooner redesignated, the designation for the following cease-and-desist zones shall expire on the following dates:

Zone	Expiration Date
County of Bronx	October 1, 2022

Within the County of Bronx as follows:

The sections of the area of land in the County of Bronx, City of New York, within the neighborhood commonly referred to as Country Club, and more specifically bounded by and described as follows:

All the land west of the Eastchester Bay south of Griswold Avenue to Bruckner Expressway; thence southerly along the Bruckner Expressway/Throgs Neck Expressway to Layton Avenue; then easterly to the Eastchester Bay.

Zone	Expiration Date
County of Queens	October 1, 2022

Within the County of Queens as follows:

The sections of the area of land in the County of Queens, City of New York, within the neighborhood commonly referred to as College Point, and more specifically bounded by and described as follows:

Beginning at the intersection of interstate 678 and the East River; thence southerly along interstate 678 to the intersection of interstate 678 and 14th Avenue; thence westerly along 14th Avenue to College Point Boulevard; thence southerly along College Point Boulevard to 28th Avenue; thence westerly to Flushing Bay; thence northeasterly along Flushing Bay and the East River to the point of the beginning.

The sections of the area of land in the County of Queens, City of New York, within the neighborhoods commonly referred to as: Bay Side, Bay Terrace and Murray Hill, and more specifically bounded by and described as follows:

Beginning at the intersection of the Cross Island Parkway and 149th Street; thence southerly along 149th Street to 46th Avenue; thence easterly along 46th Avenue and continuing along Hollis Court Boulevard to interstate 495; thence easterly along interstate 495 to the Cross Island Parkway; thence northerly along the Cross Island Parkway to the point of the beginning.]

Zone	Expiration Date
County of Rockland	July 1, 2023

Within the County of Rockland as follows:

The area of land situated in the County of Rockland that currently comprises the Incorporated Village of Chestnut Ridge in its entirety. The Village of Chestnut Ridge is more specifically located within the Town of Ramapo, north of the State of New Jersey and the Town of Orangetown; east of the Village of Airmont; south of the Village of Spring Valley; and west of the Towns of Clarkstown and Orangetown.

Zone	Expiration Date
County of Kings	November 1, 2025

Within the County of Kings as follows:

Beginning at the Queens border of Brooklyn to the east and the intersection of Jamaica Avenue to the north; thence westerly along Jamaica Avenue to Pennsylvania Avenue; thence southerly along Pennsylvania Avenue to Sutter Avenue; thence westerly on Sutter Avenue to Van Sinderen Avenue to the west; thence southerly along Van Sinderen Avenue to Linden Boulevard to the south; thence easterly along Linden Boulevard to the Queens border; thence northerly along the border to the point of the beginning on Jamaica Avenue.

Zone	Expiration Date
County of Kings	July 1, 2028

Within the County of Kings as follows:

The sections of the area of land in the County of Kings, City of New York, within the neighborhood commonly referred to as Community Board 17, and more specifically bounded by and described as follows: Beginning at the intersection of Utica Avenue and Clarkson Avenue; thence westerly along Clarkson Avenue to East 43rd Street; thence southerly along East 43rd Street to Linden Boulevard; thence westerly along Linden Boulevard to Rogers Avenue; thence southerly along Rogers Avenue to Snyder Avenue; thence westerly along Snyder Avenue to Bedford Avenue; thence southerly along Bedford to Foster Avenue; thence easterly along Foster Avenue to New York Avenue; thence southerly along New York Avenue to Farragut Road; thence westerly along Farragut Road to East 32nd Street; thence southerly along East 32nd Street to Avenue H; thence easterly along

Avenue H to Brooklyn Avenue; thence northerly along Brooklyn Avenue to Glenwood Road; thence easterly along Glenwood Road to Albany Avenue; thence northerly along Albany Avenue to Farragut Road; thence easterly along Farragut Road to Schenectady Avenue; thence northerly along Schenectady Avenue to Avenue D; thence easterly along Avenue D to Ditmas Avenue; thence continuing easterly along Ditmas Avenue to Rockaway Parkway; thence northwesterly along Rockaway Parkway to East New York Avenue; thence southwesterly along East New York Avenue to Utica Avenue; thence southerly along Utica Avenue to the point of the beginning at the intersection of Utica Avenue and Clarkson Avenue.

(iii) The names and addresses of owners who have filed a cease-and-desist notice with the Department of State shall be compiled according to the street address for each cease-and-desist zone. Following the first compilation of a list, the list shall be revised and updated annually on or before December 31st. Individual lists shall be identified by geographic area and year.

(iv) A copy of each cease-and-desist list shall be available for inspection at the following offices of the Department of State:

Department of State Division of Licensing Services 99 Washington Avenue Albany, New York 12231-0001

Department of State Division of Licensing Services State Office Building Annex 164 Hawley Street Binghamton, New York 13901-4053

Department of State Division of Licensing Services 65 Court Street Buffalo, New York 14202-3471

Department of State Division of Licensing Services Hughes State Office Building Syracuse, New York 13202-1428

Department of State Division of Licensing Services State Office Building Veterans Memorial Highway Hauppauge, New York 11788-5501

Department of State Division of Licensing Services 123 William Street New York, New York 10038-3804

(v) The cost of each list compiled pursuant to this subdivision shall be \$10 and shall be available upon written request to the following address:

Department of State Division of Licensing Services 123 William Street New York, New York 10038-3804

(vi) The original cease-and-desist notice shall be filed with the Department of State's Division of Licensing Services at 123 William Street, New York, New York 10038-3804, and shall be available for public inspection and copying upon written request and appointment.

(vii) For the purposes of Real Property Law, section 441-c, it shall not be a demonstration of untrustworthiness or incompetence for a licensee to solicit an owner who had filed a cease-and-desist notice with the Department of State if the owner's name and address do not appear on the current cease-and-desist list compiled by the Department of State pursuant to subparagraph (iii) of this paragraph.

(4)(i) For the purposes of this subdivision, solicitation shall mean an attempt to purchase or rent or an attempt to obtain a listing of property for sale, for rent or for purchase. Solicitation shall include but not be limited to use of the telephone, mails, delivery services, personal contact or otherwise causing any solicitation, oral or written, direct or by agent:

(a) to be delivered or presented to the owner or anyone else at the owner's home address;

(b) to be left for the owner or anyone else at the owner's home address; or

(c) to be placed on any vehicle, structure or object located on the owner's premises.

(ii) Solicitation shall not include classified advertising in regularly printed periodicals that are not primarily real estate related; advertisements placed in public view if they are not otherwise in violation of this subdivision; or radio and television advertisements.

(5) For the purposes of this subdivision, residential property shall mean one-, two- or three-family houses, including a cooperative apartment or condominium.

(b) No real estate broker or salesperson shall engage in an unlawful discriminatory practice, as proscribed by any Federal, State or local law applicable to the activities of real estate licensees in New York State. A finding by any Federal, State or local agency or court of competent jurisdiction that a real estate broker or salesperson has engaged in unlawful discriminatory practice in the performance of licensed real estate activities shall be presumptive evidence of untrustworthiness and will subject such licensee to discipline, including a proceeding for revocation. Nothing herein shall limit or restrict the department from otherwise exercising its authority pursuant to section 441-c of the Real Property Law.

Text of proposed rule and any required statements and analyses may be obtained from: David A. Mossberg, Esq., NYS Department of State, 123 William Street, 20th Floor, New York, NY 10038, (518) 473-2728, email: david.mossberg@dos.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory authority:

Section 442-h(3)(a) of the New York Real Property Law ("NY RPL") provides that the Secretary of State (the "Secretary") may adopt a rule establishing a cease-and-desist zone if the Secretary determines that some homeowners within a defined area are subject to intense and repeated solicitations by real estate brokers, salespersons, or other persons regularly engaged in the trade or business of buying and selling real estate. Upon the establishment of such a zone, the law provides that any homeowner located within the zone may file with the Secretary a statement of desire not to be solicited and may request that the homeowner's property be included on a list commonly referred to within the real estate industry as a "cease-and-desist list". Thereafter, the Secretary shall publish a list of names and addresses of the persons who have filed the statement. Once the list is published, brokers, salespersons, and other persons regularly engaged in the trade or business of buying and selling real estate are prohibited from soliciting persons on that list.

Chapter 581 of the Laws of 2021 directed the Secretary to "conduct a public hearing and reasonable investigation of intense and repeated solicitation of owners of residential real property in the county of Kings...." That law further provided: "[i]f the secretary of state finds that owners of residential real property within the county of Kings, or any defined geographic area therein are subject to intense and repeated solicitations by real estate brokers and salespersons to place their property for sale with such real estate brokers or salespersons, or otherwise to sell their property, the secretary of state shall adopt a rule in accordance with subdivision 3 of section 442-h of the real property law establishing a cease and desist zone for the county of Kings, or any defined geographic areas therein subjected to such intense and repeated solicitations."

2. Legislative objectives:

Section 442-h was enacted to protect homeowners within specific areas from intense and repeated solicitations, which were often accompanied by implications that property values will be decreasing due to changes taking place within the community. These changes were often attributed to persons of different ethnic, social, or religious backgrounds moving into specific neighborhoods in greater numbers. In a case upholding the law against a challenge brought against the creation of a cease-and-desist list, the Second Circuit Court of Appeals further explained that the objectives advanced by such lists also include protecting the privacy of homeowners. *Anderson v. Treadwell*, 294 F.3d 453 (2d Cir. 2002). In *Anderson*, the court held, *inter alia*, that "[t]he homeowners' privacy interest is 'substantial' within the meaning of *Central Hudson*. The Supreme Court has declared that protecting the 'well-being, tranquility, and privacy of the home is certainly of the highest order in a free and civilized society.' The Court has observed that '[e]ven solicitation that is neither fraudulent nor deceptive may be pressed with such frequency or vehemence as to intimidate, vex, or harass the recipient....[P]rotection of the public from these aspects of solicitation is a legitimate and important state interest.' As the District Court noted, the Secretary asserts such a situation here, stating that many homeowners feel 'harassed, overwhelmed, threatened, and offended by the extensive telephonic, mail, flyers, and personal direct solicitation they receive.' Accordingly, the interest in protecting homeowners from such harassing solicitations is a substantial state interest." *Anderson*, 461-62 (internal quotation marks omitted). Therefore, cease-and-desist lists are also intended to protect homeowners from unwanted solicitations which are intense and repeated so as to offend the well-being, tranquility, and privacy of the home.

When enacting Chapter 581 of the Laws of 2021, the Legislature specifically declared that in "many neighborhoods in Kings County, long-time homeowners have been the subject of increasingly aggressive real estate solicitation, especially in neighborhoods experiencing rapid gentrification." Moreover, the Legislature found that "due to intense and repeated solicitation of owners of residential real property by real estate brokers, real estate salespersons, and other persons regularly engaged in the trade or business of buying and selling real estate, the rapid establishment of a cease and desist zone is necessary in Kings County." Chapter 581 of the Laws of 2021.

After holding 2 public hearings within Kings County and receiving substantial evidence from many homeowners, over the course of many months, the Secretary has determined that homeowners within the zone proposed by this rulemaking are subject to the types of solicitations that the cease-and-desist lists are intended to guard against. Accordingly, this rule advances the legislative intent and strengthens the policies sought by enactment of Section 442-h and Chapter 581 of the Laws of 2021.

3. Needs and benefits:

As noted above, Chapter 581 of the Laws of 2021 mandated that the Department hold at least 1 public hearing and investigate whether homeowners in Brooklyn have been subjected to intense and repeated

solicitations. On January 11, 2022, via a virtual meeting, and on June 9, 2022, at an in-person meeting at Brooklyn Borough Hall, the Department held public hearings to investigate this issue. These meetings were designed to explore whether some members of the public in the community have been subjected to intense and repeated solicitation by real estate professionals or others regularly engaged in the buying and selling of real estate. Many homeowners, community leaders, and elected officials urged the Secretary to establish a cease-and-desist list due to the amount and the intensity of the solicitations received, and the harassment felt by the homeowners as a result. Prior to the public hearing, and continuing for several months thereafter, the Department gathered significant numbers of mailed solicitations from residents. In addition, the Department created an online survey to explore this issue and received over 1,500 responses in total. Within the defined area proposed by the rule, the Department received 289 responses indicating that homeowners within the proposed zone are subject to intense and repeated solicitations.

Many homeowners and even real estate professionals provided personal observations at the hearings supporting this rule by confirming or describing the aggressiveness of the solicitations within Brooklyn. On January 11, 2022, the incoming President of the Brooklyn Board of Realtors acknowledged there is an aggressive “project” to solicit homeowners within Brooklyn and stated that she has seen what homeowners had complained of (i.e., aggressive and repeated solicitations) but noted that such tactics were being advanced by developers. Confirmation by real estate professionals that there are some aggressive campaigns to solicit homeowners supports, even if by non-licensees, the need for the proposed rule.

Additionally, through the public hearings, the Department received many personal observations of the nature of the aggressive tactics used to solicit homes. In one instance, a homeowner provided a personal story of being repeatedly “harassed” and shared how her elderly mother received phone calls soliciting the sale of her home while she was dying. Others offered examples of solicitations that resembled party invitations or mailings from friends that turned out to be deceptive solicitations.

This proposal therefore fulfills the legislative objective of protecting homeowners from unwanted, repeated and intense solicitations, and is reasonably tailored to fit within the particular area where a need for a cease-and-desist list has been demonstrated. Accordingly, this rule will provide those homeowners who do not wish to be solicited with an effective and practical means of so notifying real estate professionals.

The rulemaking is also necessary to remove reference to cease and desist zones which have already expired and no longer enforceable.

4. Costs:

A. Costs to regulated parties:

Parties affected by this rule include licensed real estate brokers and salespeople, as well as other persons regularly engaged in the trade or business of buying and selling real estate. The Department will make available cease-and-desist lists on its website, at no cost. The Department will also offer “cease-and-desist lists” for \$10.00 per paper copy, in accordance with NY RPL § 442-h and 19 NYCRR § 175.17. The Department expects that most professionals will obtain the cease-and-desist lists from the Department’s website at no cost.

If a professional uses the telephone, delivery services or personal contact to solicit residential listings, there may be additional time spent checking the cease-and-desist list to avoid contact with any person who may be on the list. There is, of course, a cost associated with that expenditure of the time taken to check the list. On the other hand, there may be some savings resulting from the elimination of unproductive calls or deliveries. Whether there is a net cost or savings will depend on the circumstances and practices of each business.

There are currently several other zones throughout the State, including Brooklyn, and the Department has not received any information suggesting that compliance with the other zones has been cost prohibitive for any parties.

B. Costs to the Department of State:

The costs for printing and mailing are unknown, in part because it is unknown how many prints are required; it is expected that most business will obtain the cease-and-desist lists from the Department’s website. For those few who want to purchase a paper copy, the Department will likely print a copy, on a per order basis, on existing equipment and using existing resources. Based on prior zones, the Department does not believe that this rule will be cost prohibitive for the Department.

5. Local government mandates:

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

6. Paperwork:

Homeowners who do not want to be solicited will have to file an owner’s statement with the Department. The owner’s statement will indicate the owner’s desire not to be solicited and will set forth the owner’s name and the address of the property located within the cease-and-desist

zone. The Department will provide homeowners with a standard form, although use of the form is not mandatory. Owner’s statement forms will be provided to community leaders for distribution to their constituents. In addition, owner’s statement forms will be available from the Department on request. Owners will also be able to fill out a statement electronically on the Department’s website.

Following the effective date of this proposed rule and the 90-day period that follows, the Department will prepare a cease-and-desist list containing the names and addresses of all of the homeowners who have filed an owner’s statement. The list will be available, at no cost, on the Department’s website. Paper copies of the list will also be sold to the public, including real estate professionals; the price will be \$10 per copy. Besides the processing of any such requests for paper copies of cease-and-desist lists, which must be submitted by mail, there are no paperwork requirements as a result of this rule.

7. Duplication:

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

8. Alternatives:

The Department did not identify any alternative that would provide relief for homeowners, comply with Chapter 581 of the Laws of 2021 and, at the same time, be less restrictive and less burdensome on the solicitation activities. Consideration was given to expanding the proposed zone to neighboring community boards or all of Kings County, but the Department determined that the record was not developed sufficiently to support such increased zones. For example, many community boards within Brooklyn reported, for the entire board, fewer than 20 complaints from homeowners of unwanted, intense, or repeated solicitations. It is noted, that while NY RPL Section 442-h permits the Department to investigate this issue further and perhaps create a new zone or expand the current proposed zone in the future, such an option does not appear to be a reasonable alternative at this time.

9. Federal standards:

There are no applicable Federal standards directly relating to this rulemaking.

10. Compliance schedule:

The Department expects that a final rule will become effective on July 1, 2023; and a cure period will be in place for 90 days after such effective date. These timeframes will allow sufficient time for homeowners to file their owner’s statements with the Department, and for others impacted by the rule to comply with its terms. Accordingly, enforcement for possible violations of the rule would not commence until at least September 29, 2023. This schedule is consistent with similar zones previously established by the Secretary.

Regulatory Flexibility Analysis

1. Effect of rule:

This rule would create a cease and desist zone to permit homeowners within a designated area of Kings County (i.e., Brooklyn, NY) to file an Owner’s Statement with the Department of State indicating that they do not wish to be solicited to sell or list their property for sale. Real estate licensees, and those regularly engaged in the business of buying or selling property, would then be prohibited from soliciting a property listing from those residents. The cease and desist zone would be limited to homeowners within a portion of Community Board 17 which is situated within Kings County.

This rule will apply to all real estate licensees and those regularly engaged in the business of buying or selling property but would primarily affect approximately 10,000 real estate license holders with offices located in Kings County. Many of these licensees are small businesses or are associated with small businesses. Real estate brokers and salespersons will remain free, however, to solicit listings from those residents in the defined zone who have not filed Owner’s Statements with the Department of State, and to otherwise participate in regulated transactions within the zone. Considering the past creation of other cease and desist zones, including the existing zone within Kings County, the Department does not anticipate that the solicitation limitations will place an undue financial burden or impose a hardship on real estate brokers, salespersons, or persons engaged in the business of buying or selling real estate.

The rule does not apply to local governments.

The rule also removes references to cease and desist zones which are now expired and no longer enforceable.

2. Compliance requirements:

The Department of State publishes and makes available a list of residents within a cease and desist zone who have notified the Department that they do not wish to be solicited by real estate professionals. These cease and desist lists are made available to any member of the public and are available electronically at no cost. To comply with the rule, these businesses need only refer to the list prior to soliciting listings from homeowners within the defined cease and desist zone.

3. Professional services:

Small businesses will not need professional services in order to comply with this rule.

4. Compliance costs:

Small businesses will not incur any significant compliance costs associated with this rule. The Department publishes cease and desist lists on its website at no cost. Businesses who desire a hard copy of the lists may notify the Department and receive a copy of the lists by mail for a cost of \$10.00.

5. Economic and technological feasibility:

The Department has determined that it will be economically and technologically feasible for small businesses to comply with this rule. Cease and desist lists have been created in past years, including a current zone within Kings County, and the Department finds no reason to believe the businesses will not be able to comply with these requirements again.

6. Minimizing adverse impact:

The Department did not identify any alternative that would provide relief for homeowners, comply with Chapter 581 of the Laws of 2021, and, at the same time, be less restrictive and less burdensome on the solicitation activities. Consideration was given to expanding the proposed zone to neighboring community boards or all of Kings County, but the Department determined that the record was not developed sufficiently to support such increased zones. For example, many community boards within Brooklyn reported, for the entire board, fewer than 20 complaints from homeowners of unwanted, intense, or repeated solicitations. It is noted, that while NY RPL Section 442-h permits the Department to investigate this issue further and perhaps create a new zone or expand the proposed zone in the future, such an option does not appear to be a reasonable alternative at this time.

7. Small business participation:

Prior to proposing this rule, the Department held two public hearings that included speakers on behalf of small business interests. In addition, the Department has received and considered a statement submitted by the New York State Association of REALTORS®, Inc., a professional organization representing many small businesses and licensed professionals.

Additionally, the Department continued to allow for small business participation after its public hearings by keeping the regulatory record open. Finally, publication of the rule in the State Register will also provide additional notice to interested parties; additional comments will be received and considered by the Department during the official comment period for this proposed rule.

8. Compliance schedule:

The proposed cease and desist zone is expected to become effective on July 1, 2023 but the Department is also providing a cure period for those impacted by the rule to comply. This time will also be used to allow homeowners sufficient time to file their owner's statements with the Department, and for the Department to publish the list of homeowners who do not wish to be solicited.

9. Cure period:

The Department is providing a cure period of 90 days following the adoption and effective date of the final rule in order to permit those impacted by the rule to obtain any lists published by the Department and to adjust their business practices accordingly. After such 90-day cure period, any business or individual subject to this rule who solicits a homeowner that has filed a statement with the Department will be subject to appropriate action pursuant to Article 12-A of the New York Real Property Law and the regulations promulgated thereunder.

Rural Area Flexibility Analysis

1. Effect of rule:

This rule does not apply to rural areas, rather it applies only to a defined geographic area within Kings County (i.e., Brooklyn, NY).

2. Compliance requirements:

This rule, which applies only in a defined area within Kings County, does not impose any reporting or recordkeeping requirements on businesses located within rural areas.

3. Professional services:

Professional services are not needed to comply with this rule.

4. Compliance costs:

The rule does not impose any costs on rural areas.

5. Minimizing adverse impact:

Insofar as the rule does not impose any costs on rural areas, no alternatives to minimize adverse impacts on rural areas were considered by the Department of State.

6. Rural area participation:

Insofar as the rule does not apply in rural areas, rural area participation was not actively solicited by the Department of State.

Job Impact Statement

As is evident by the nature of this rulemaking, this proposal will not have a substantial adverse impact on jobs and employment opportunities. The rule prohibits real estate professionals from soliciting real estate listings

from residents of a defined geographic zone who have notified the Department of State that they do not wish to be solicited. Real estate professionals will remain free to solicit other residents within the defined zone and engage in real estate transactions within and outside of the defined geographic area. Similar rules have been promulgated in the past without adversely impacting job opportunities. A zone already exists within Brooklyn and the Department has received no evidence that the same has had any adverse impacts on jobs. Accordingly, for the reasons expressed above, this rule will not adversely impact jobs and employment opportunities.

Workers' Compensation Board

NOTICE OF ADOPTION

Pharmacy Networks

I.D. No. WCB-26-22-00002-A

Filing No. 933

Filing Date: 2022-11-07

Effective Date: 2022-11-23

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

Action taken: Amendment of section 440.8 of Title 12 NYCRR.

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

Subject: Pharmacy networks.

Purpose: To require carriers to notify pharmacies when there is a network.

Text or summary was published in the June 29, 2022 issue of the Register, I.D. No. WCB-26-22-00002-P.

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

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

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

A revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required because the changes made to the last published rule do not necessitate revision to the previously published documents. These changes do not affect the meaning of any statements in the documents.

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

During the public comment period, the Board received 12 comments, including a form letter from 15 individuals.

The Board received 15 copies of a form letter objecting to the proposal as a whole with no specific objections and no suggestions in lieu of the proposal. The Board has made no changes in response to this form letter.

The Board received several comments that the change will negatively impact injured workers, cause delays in the system and is unnecessary due to the Medical Treatment Guidelines and medical portal. Providing notice to non-network pharmacies and specifying how payments should be made to these pharmacies will not impact the flow of medication to injured workers. Accordingly, no changes were made as a result of these comments.

Another comment from a pharmacy network requested specific language changes to the proposal that would eliminate the need to notify the non-network pharmacy. No change was made as a result of this comment.

Section 13-o of the Workers' Compensation Law (WCL) required the Chair to adopt a pharmaceutical fee schedule, and section 13(i) of the WCL allows a carrier to contract with a pharmacy to provide prescribed medicine to claimants. When the pharmacy fee schedule was first adopted in 2012, there was no provision for how carriers would notify pharmacies of the existence of this contract requiring use of specific pharmacies. The feedback the Board received was that this was unfair to the pharmacies in practice because the pharmacy did not know there was a network, and when they supplied medication to injured workers, the non-network pharmacy was required to be paid at the network rate.

The regulations (section 440.8) added a paragraph requiring notice to the claimant and pharmacy to alleviate the problems caused by this lack of notice. Over the years, almost every carrier had a pharmacy network in place and has for years, so the Board removed this paragraph during updates for the OnBoard: Limited Release process, believing that this notice was no longer necessary since the carrier network pharmacy contracts have been settled. However, the Board received feedback that pharmacies are not receiving notice of networks from carriers, and thus there was no mechanism to provide for payment to out-of-network pharmacies or non-payment when proper notice has been made. Accordingly, the Board proposed this amendment to restore the exact language that previously appeared in this section of the regulation. This protects the non-network pharmacy as well as the carrier by requiring notice and if failure to provide notice, they must pay at the pharmacy fee schedule rate, not the network rate. Therefore, no change has been made in response to these comments.

A comment from an association objected to the proposal, opining that it would eliminate injured workers' access to specialized pharmacies that specialize in the PAR system. All medication for prior authorization requests must come from the prescriber's office, so pharmacies are not required to specialize in the PAR process, as the requests and the prescriptions come from the prescriber's office. No change has been made in response to this comment.

The Board received a comment from an injured worker opposing any restrictions on their pharmacy options. The statute already allows a carrier to contract with a pharmacy, and this regulation simply restores language about notice of such a network, no change has been made in response to this comment.

Two comments opined that the proposal expressly nullifies the Third Department Rivera case, and the Liebman case as well. These cases were based on situations that arose before the final regulation was adopted by the Board, including the section the Board proposes be restored, so no change has been made in response to these comments.

The Board received a comment from a company supporting the proposal.

Changes Made: None.

**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/proregulations.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>
ENV-46-22-00004-P	Chemical Bulk Storage (CBS)	<p>Webinar—January 18, 2023, 3:00 p.m.</p> <p>Department of Environmental Conservation (DEC) will hold a public comment hearing on proposed regulations 6 NYCRR Parts 597, 598, and 613 at: 3:00 p.m. on January 18, 2023, via electronic webinar. These regulations were proposed regulations and previously noticed in the NYS Register, Vol XLIII, Issue 24 on June 16, 2021. They are being re-noticed to comply with regulatory timelines. Comments received during the 6/4/21 - 12/6/21 comment period have been recorded and will be included in the response to comments.</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 Parts 597, 598, and 613 by November 18, 2022. The proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 may be accessed at: <https://www.dec.ny.gov/regulations/propregulations.html>.

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Parts 597, 598, and 613 public comment hearing.

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests must be submitted no later than January 8, 2023, and directed to the NYSDEC Office of Communication Services, either by mail (address: NYSDEC, Office of Communication Services, 625 Broadway, 4th Floor, Albany, NY 12233-4500), or by e-mail (language@dec.ny.gov).

All comments received during the 6/16/21 - 12/6/21 comment period have been recorded and will be included in the response to comments. Additional comments will be received until 5:00 p.m. on January 24, 2023. Comments may be entered during the hearing, e-mailed to derweb@dec.ny.gov, or mailed to NYS DEC, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Attn: Jenn Dawson. Please include “Comments on Proposed Part 613” or “Comments on Proposed Parts 597/598” in the subject or memo line of the correspondence.

Additional hearing or rulemaking questions can be directed to Jenn Dawson at derweb@dec.ny.gov.

Webinar—January 18, 2023, 3:00 p.m.

Department of Environmental Conservation (DEC) will hold a public comment hearing on proposed regulations 6 NYCRR Parts 597, 598, and 613 at: 3:00 p.m. on January 18, 2023, via electronic webinar. These regulations were proposed regulations and previously noticed in the NYS Register, Vol XLIII, Issue 24 on June 16, 2021. They are being re-noticed to comply with regulatory timelines. Comments received during the 6/4/21 - 12/6/21 comment period have been recorded and will be included in the response to comments.

ENV-46-22-00005-P..... Petroleum Bulk Storage (PBS)

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 Parts 597, 598, and 613 by November 18, 2022. The proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 may be accessed at: <https://www.dec.ny.gov/regulations/propregulations.html>.

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Parts 597, 598, and 613 public comment hearing.

Interpreter services shall be made available to deaf persons, and translator services shall be made available to persons with limited English proficiency, at no charge for either service, upon written request. Requests must be submitted no later than January 8, 2023, and directed to the NYSDEC Office of Communication Services, either by mail (address: NYSDEC, Office of Communication Services, 625 Broadway, 4th Floor, Albany, NY 12233-4500), or by e-mail (language@dec.ny.gov).

All comments received during the 6/16/21 - 12/6/21 comment period have been recorded and will be included in the response to comments. Additional comments will be received until 5:00 p.m. on January 24, 2023. Comments may be entered during the hearing, e-mailed to derweb@dec.ny.gov, or mailed to NYS DEC, Division of Environmental Remediation, 625 Broadway, Albany, NY 12233, Attn: Jenn Dawson. Please include “Comments on Proposed Part 613” or “Comments on Proposed Parts 597/598” in the subject or memo line of the correspondence.

Additional hearing or rulemaking questions can be directed to Jenn Dawson at derweb@dec.ny.gov.

Electronic Webinar—January 24, 2023, 6:00 p.m.

Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Part 217-5 by November 23, 2022. The proposed regulations webpage for 6 NYCRR Part 217-5 may be accessed at: <https://www.dec.ny.gov/regulations/propregulations.html>

Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 217-5 public comment hearing.

ENV-47-22-00005-P Heavy-Duty Diesel Vehicle Inspection and Maintenance Program Requirements

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 January 13, 2023. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or e-mailed to ALJ Ukeritis at ohms@dec.ny.gov.

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
-----------------	---------	----------------	-------------------

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.
-------------------	----------	---	--

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

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
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
--------------------	----------	---	---

Action Pending Index**NYS Register/November 23, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
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-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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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
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

Action Pending Index**NYS Register/November 23, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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.
CJS-47-22-00001-P	11/23/23	Part 349 Interstate, Intrastate, Conflict of Interest Transfer and Temporary Probation Supervision for Adults and Juveniles	Update the existing rule to provide a framework for consistent statewide practices in the intrastate transfer of individuals
CJS-47-22-00002-P	11/23/23	Probation Services for Article 3 Juvenile Delinquency (JD)	Update existing Rule to reflect services which will be performed by Probation departments.
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

Action Pending Index

NYS Register/November 23, 2022

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-28-22-00011-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.
ENV-46-22-00004-P	01/18/24	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598 ,599 and replace with new Part 598; and amend existing Part 597; for the CBS program
ENV-46-22-00005-P	01/18/24	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-47-22-00005-P	01/24/24	Heavy-Duty Diesel Vehicle Inspection and Maintenance Program requirements	To update Heavy-Duty Diesel Vehicle Inspection and Maintenance Program requirements
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-25-18-00006-P	..... exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-42-21-00011-RP	..... 01/18/23	Disclosure requirements for certain providers of commercial financing transactions	To provide new disclosure rules for small business financings
*DFS-44-21-00015-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

Action Pending Index**NYS Register/November 23, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-50-21-00002-EP	12/15/22	Investigation of Communicable Disease; Isolation and Quarantine	Control of communicable disease
HLT-50-21-00003-EP	12/15/22	Face Coverings for COVID-19 Prevention	To control and promote the control of communicable diseases to reduce their spread
HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors
HLT-07-22-00010-P	02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-07-22-00011-P	02/16/23	Surge and Flex Health Coordination System	Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency
HLT-10-22-00009-P	03/09/23	Updated Retention Standards for Adult Care Facilities	To ensure admission and retention standards for adult care facilities are consistent with the Americans with Disabilities Act
HLT-12-22-00001-P	03/23/23	Clinical Laboratories and Blood Banks	To allow for remote supervision and updates to provide concordance with 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
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).
HLT-46-22-00003-P	11/16/23	Repeal of Zika Action Plan; Performance Standards	To repeal regulatory provisions which are no longer applicable.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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”
LIQUOR AUTHORITY, STATE			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-37-22-00010-P	..... exempt	The Solar Communities Program	To provide bill savings benefits to customers participating in Solar Communities.
LPA-37-22-00012-P	..... exempt	The Authority's Small Generator Interconnection Procedures for Distributed Generators and/or Energy Storage Systems.	Alignment with New York's statewide cost sharing framework
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-46-22-00012-P	..... 11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
METROPOLITAN TRANSPORTATION AGENCY			
MTA-16-22-00008-EP	..... 04/20/23	Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & ts affiliates and subsidiaries	To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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
PDD-46-22-00002-P	..... 11/16/23	Family Care Homes for People With Developmental Disabilities	To clarify terminology and limit the number of individuals residing in family care homes
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga

Action Pending Index

NYS Register/November 23, 2022

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman’s petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman’s petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning’s rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley’s ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gipsy Trail Club, Inc.’s long-term financing agreements	To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG’s petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG’s petition for a waiver of Commission policy and RG&E tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices	To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures	To improve gas safety performance
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator	To consider waiver of RG&E's tariffed definition of emergency generator
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established	To balance the need for the information necessary to support a robust market with customer privacy concerns
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets	To consider the Comcast and Charter transfer of systems, franchise and assets

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards	To consider revisions to the Commission's Electric Safety Standards
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients	Whether to expand Con Edison's low income program to include Medicaid recipients
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1
*PSC-40-14-00011-P	..... exempt	Late Payment Charge	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-40-14-00015-P	..... exempt	Late Payment Charge	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project	To approve the development of a Community Solar Demonstration Project
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program	To consider approval of remote net metering of a demonstration community net metering program
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project	To consider approval of remote net metering of a Community Solar Demonstration Project
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation	Consider Whitepaper on Implementing Lightened Ratemaking Regulation
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016	Consider the proposed retirement of Huntley Units 67 and 68
*PSC-50-15-00006-P	..... exempt	The reduction of rates	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program	To consider MEGA's proposed demonstration CCA program
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers	To ensure consumer protections with respect to residential and small non-residential ESCO customers
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process	To ensure consumer protections for ESCO customers

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report	To consider NFGD's petition for rehearing
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers	To determine the appropriate regulatory framework for DER suppliers
*PSC-50-17-00019-P	..... exempt	Transfer of utility property	To consider the transfer of utility property
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters	To consider the disposition of tax refunds and other related matters
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity	To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation	To promote and maintain renewable and zero-emission electric energy resources
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades	To consider AEC's petition requesting resolution of their billing dispute with National Grid
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program	To consider TracFone's petition seeking approval to participate in Lifeline
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes	To consider NYAW's request to reconcile property taxes
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service	To determine if approving the DPS Staff's recommendations is in the public interest
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs	To modify and improve Community Choice Aggregation programs in New York State
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-21-21-00015-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-25-21-00005-P	..... exempt	Transfer of Penelec assets and franchise rights	To consider the transfer of utility assets and franchise to be in Waverly ratepayer and public interest
*PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY	To address the proposed transfer and any matters within the public interest
*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

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

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

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

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

Action Pending Index

NYS Register/November 23, 2022

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

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

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

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

Action Pending Index

NYS Register/November 23, 2022

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
PSC-46-22-00006-P	..... exempt	PSC Regulations 16 NYCRR 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-46-22-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-46-22-00008-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-46-22-00009-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-46-22-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-22-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-47-22-00007-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-47-22-00008-P	..... exempt	Proposed revisions related to the participation of Distributed Energy Resources.	To align utility retail tariffs with wholesale tariffs.
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
DOS-47-22-00004-P	..... 11/23/23	Creation of a cease and desist zone within Kings County.	To adopt a cease and desist zone for a designated area within Kings County and remove reference to expired zones.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
TAXATION AND FINANCE, DEPARTMENT OF			
TAF-46-22-00011-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, 2023 through March 31, 2023.
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-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

AG CSF2A (Annex) Non-U.S. Holdings Dislocation Fund, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AG CSF2A (Annex) Dislocation Fund GP, LLC

AG Europe Realty Fund IV, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AGR Europe IV LLC

AG Europe Realty Holdings IV, L.P.
c/o Angelo, Gordon & Co., L.P., 245 Park Ave., New York, NY 10167
Partnership — AGR Europe IV LLC

Ameriwest Lithium Inc.
Suite 306, 1110 Hamilton St., Vancouver, BC V6B 2S2
State or country in which incorporated — Canada

Big Dream Farm LLC
29 Davenport Ave., New Rochelle, NY 10805
State or country in which incorporated — New York

Caris Life Sciences, Inc.
750 W. John Carpenter Fwy., Suite 800, Irving, TX 75039
State or country in which incorporated — Texas

Compound Real Estate Bonds, Inc.
1185 Avenue of the Americas, 3rd Fl., New York, NY 10036
State or country in which incorporated — Delaware

Conversus StepStone Private Venture and Growth Fund
128 S. Tryon St., Suite 880, Charlotte, NC 28202
State or country in which incorporated — Delaware

Dick Mondells Tallahassee, LLC
1808 S. Monroe St., Tallahassee, FL 32301
State or country in which incorporated — Florida

Exotanium, Inc.
350 Duffield Hall, Suite N, Ithaca, NY 14853
State or country in which incorporated — Delaware

FIG-Marlow-OK, LLC
3000 Race St., #100, Fort Worth, TX 76111
Partnership — Texas

Foreside Financial Services, LLC
3 Canal Plaza, Suite 100, Portland, ME 04101
State or country in which incorporated — Delaware

Getaway Collection LLC
82 NE. 191st St., PMB 96613, Miami, FL 33179
State or country in which incorporated — Delaware

ISM Resources Corp.
Suite 306, 1110 Hamilton St., Vancouver, BC V6B 2S2
State or country in which incorporated — Canada

Orwashers, LLC
1187 E. 156th St., Bronx, NY 10474
State or country in which incorporated — Delaware

Rodedawg International Industries, Inc.
30 N. Gould St., Suite N, Sheridan, WY 82801
State or country in which incorporated — Nevada

Saab AB (publ)
Olof Palmes gata 17, SE-111 22 Stockholm, Sweden
State or country in which incorporated — Sweden

Vivo Living Raleigh 1 LLC
16150 SW. Upper Boones Ferry Rd., Portland, OR 97224
State or country in which incorporated — Delaware

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE FIRE DAMPERS/ACTUATORS Elmira Correctional Facility Elmira, Chemung County

Sealed bids for Project No. M3171-H, comprising a contract for HVAC Work, Replace Fire Dampers & Actuators, Building 99, Elmira Correctional Facility, 1879 Davis Street, Elmira (Chemung 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, 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 \$22,900 for H).

Further, Wicks Exempt Projects require a completed form BDC 59 (Wicks Exempt List of Contractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002220, Supplemental Instructions to Bidders – Wicks Exempt. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for H.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any

State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 463 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on November 21, 2022 at Elmira Correctional Facility, 1879 Davis St., Elmira, NY 14902. 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 Chris Robertson (607-734-0592) 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). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 3% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, 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
ESP BRICK ROADWAYS SYSTEM
Empire State Plaza
Albany, Albany County**

Sealed bids for Project Nos. 45644-C, 45644-P and 45644-E, comprising separate contracts for Construction Work, Plumbing Work, and Electrical Work, Replace ESP Brick Roadways System and Associated Construction Components, Empire State Plaza (Albany County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Plaza Level, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, December 14, 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 \$1,296,500 for C, \$52,200 for P, and \$27,100 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 \$50,000,000 and \$60,000,000 for C, between \$1,000,000 and \$2,000,000 for P, and between \$500,000 and \$1,000,000 for E.

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

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

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

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

The substantial completion date for this project is 1,212 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 30, 2022, at Empire State Plaza, Concourse Level – Conference Room 125, Albany, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Michael McLaughlin (518-408-1457) 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 Plumbing Work and an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 3% for the E trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

The Bidding and Contract Documents for this Project are available

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

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

**REPAIR
FLOOD WALL
NE Flood Wall System
Binghamton, Broome County**

Sealed bids for Project Nos. 46065-C, comprising a contract for Construction Work, Flood Wall Repairs, NE Flood Wall System, Court Street, NE System, Section 3, 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 Department of Environmental Conservation- Water Resources, until 2:00 p.m. on Wednesday, December 14, 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 \$83,700 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 \$3,000,000 and \$4,000,000 for C.

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

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten

percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 659 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 December 1, 2022 at the DEC Kirkwood Office, 1679 Route 11, Kirkwood, 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 8% for MWBE participation, 4% for Minority-Owned Business Enterprises ("MBE") participation and 4% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the 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

**EXPAND/UPGRADE
CONTROL ROOM/SECURITY
Brookwood Secure Center
Claverack, Columbia County**

Sealed bids for Project Nos. 46087-C, 46087-H, 46087-P and 46087-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Control Room Expansion & Security Upgrades, Brookwood Secure Center, 419 County Route 29, Claverack (Columbia 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 Children and Family 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 \$66,600 for C, \$25,100 for H, \$15,500 for P, and \$93,300 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, between \$500,000 and \$1,000,000 for H, between \$100,000 and \$250,000 for P, and between \$3,000,000 and \$4,000,000 for E.

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

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

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

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

The substantial completion date for this project is 980 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on November 23, 2022, meet at Brookwood Maintenance Shop, 419 County Rt 29, Claverack, 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 Daniel MacCormack (518-822-1931) 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, HVAC Work and Electrical Work and an overall goal of 12% for MWBE participation, 6% for Minority-Owned Business Enterprises ("MBE") participation and 6% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, 6% for the E trade contractor, 3% for the H trade contractor, and 3% for the P trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to support@bidexpress.com, 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
CONCRETE TERRAZZO**
Empire State Plaza
Albany, Albany County

Sealed bids for Project No. 47148-C, comprising a contract for Construction Work, Replace Concrete Terrazzo, Concourse, Empire State Plaza, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, 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 \$52,500 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 value of \$1,500,000 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.

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

The substantial completion date for this project is 728 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 1:00 p.m. on December 1, 2022 at Empire State Plaza, Concourse Level - Room 125, Albany, 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 Sharon Schumann (518-474-5584) 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
Commission on Forensic Science

Pursuant to Public Officers Law section 104, the Division of Criminal Justice Services gives notice of a meeting of the New York State Commission on Forensic Science to be held on:

Date: December 2, 2022
Time: 9:00 a.m. - 1:00 p.m.

Primary Conference Site:

Empire State Development Corporation
(ESDC)
633 3rd Ave.
37th Fl./Conference Rm.
New York, NY

Secondary/Video Conference Sites:

Division of Criminal Justice Services
Alfred E. Smith Office Bldg.
CrimeStat Rm. 118
80 S. Swan St.
Albany, NY

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:* Division of Criminal Justice Services, Office of Forensic Services, 80 Swan St., Albany, NY 12210, (518) 485-5052

PUBLIC NOTICE Department of Health

Pursuant to 42 CFR Section 600.110, the Department of Health hereby gives public notice of the following:

The Department of Health proposes to amend the Basic Health Program (BHP) Blueprint to update Sections one, three and four. The following changes are proposed:

The Department proposes to submit an amendment to the Centers for Medicare and Medicaid Services (CMS) of its Basic Health Program Blueprint. The amendment updates Section 1 to reflect the current Designee. It updates Section 3 to reflect the current Trustees and the process for appointing Trustees. The amendment updates Section 4 to reflect that the standard used to determine the effective date for BHP eligibility will be the Medicaid standard, the enrollment policy used in BHP will be the continuous enrollment process of Medicaid, and the standard used to redetermine BHP eligibility will be to redetermine every 12 months in compliance with federal regulation [42 CFR 600.340(f)].

There is no annual change to state expenditures as a result of the proposed amendment.

The public is invited to review and comment on the proposed Blueprint Amendment. The Blueprint can be found at: <https://info.nystateofhealth.ny.gov/2022BHPblueprintamendment>

For further information and to review and comment, please contact: Department of Health, Division of Eligibility and Marketplace Integration, 99 Washington Ave., One Commerce Plaza, Suite 1200, Albany, NY 12210, Turkessa.Robinson@health.ny.gov

PUBLIC NOTICE Department of State F-2022-0519

Date of Issuance – November 23, 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-2022-0519, Julius Trnovec, is proposing construct new a 3' x 20' aluminum ramp and 8' x 20' wood floating dock and install (1) new 4-pile boat lift, 3552 Bertha Drive, Baldwin, Middle Bay.

The stated purpose of the proposed action is to "stabilize the shoreline and to allow for safe storage and boarding of one recreational fishing craft and one transient vessel or other small craft."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0519.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 23, 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-2022-0660

Date of Issuance – November 23, 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-2022-0660, the applicant, Paul Rulison, is proposing to install steel piling supported docks, with the layout to consist of an 8' x 24' deck along shoreline and a 6' x 48' dock with an 8' x 14' finger at the end, a 6' x 24' finger in the center, and jet ski floats. This project is located at the end of Headland Ave, Village of Thousand Island Park, Jefferson County, St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0660app.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 23, 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-2022-0780

Date of Issuance – November 23, 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-2022-0780, the applicant, Jeffrey Greene, is proposing 10-year maintenance dredging to -5.5' below MLW, removing approx. 1867

cubic yards total of spoils in the following areas: +/-92' x 85' deposition basin, +/-193' x 27' inlet, +/-212' x 24' channel, and +/-78' x 53' lagoon. Spoils will be placed as beach nourishment on both north and south side of inlet, landward of spring high water. Future dredge events will remove approx. 900 cubic yards with 6 dredge events to occur within a 10-year period. Additionally, a 40' bulkhead return will be constructed on south side of inlet in-line with existing 24' return. This project is located at 370 South Ferry Road, Village of North Haven, Suffolk County, Shelter Island Sound.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0780app.pdf> or at <https://dos.ny.gov/public-notices>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- Sag Harbor Bay & Northwest Harbor Significant Coastal Fish and Wildlife Habitats: https://dos.ny.gov/system/files/documents/2020/03/sag_harbor_northwest_harbor.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or December 23, 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-2022-0789 (DA)

Date of Issuance – November 23, 2022

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The United States Army Corps of Engineers has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

The USACE Buffalo District plans to construct a beneficial use of dredged material for ecosystem restoration project within Slip 3 located in the Buffalo Outer Harbor, Erie County, New York (Figure 1). The project would create approximately 6.7 acres of emergent and submerged coastal wetland habitat within a 7.5-acre former commercial shipping slip. The goal of this project is to create aquatic habitat at a site within the Buffalo Outer Harbor utilizing dredged sediment. The completion of this project is anticipated to provide additional spawning and nursery habitat for aquatic species, as well as a more productive aquatic community for water-dependent wildlife. It is estimated that sediment placement from three cycles of Buffalo Harbor federal navigation channel maintenance dredging would be required to bring surface elevations within Slip 3 to those suitable to support native submerged and emergent vegetation. Project construction would involve the use of approximately 285,000 cubic yards of dredged sediment placed within Slip 3, 36,000 cubic yards of stone of various sizes for the breakwater construction, and potentially 5,400 cubic yards of sand to stabilize plantings. Additional habitat features within Slip 3 would include gravel beds, logs, root wads, and rock piles.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0789.pdf>

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or December 8, 2022.

Comments should be addressed to: Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
F-2022-0834 (DA)

Date of Issuance – November 23, 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 National Oceanic and Atmospheric Administration (NOAA) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant’s consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

National Oceanic and Atmospheric Administration proposed Amendment 23 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). This action would add the commercial black sea bass state allocations to the Mid-Atlantic Council’s FMP, and modify the trigger for Federal in-season closures.

The applicant’s consistency certification and supporting information are available for review at: [https://dos.ny.gov/system/files/documents/2022/11/f-2022-0834\(da\)noaa.pdf](https://dos.ny.gov/system/files/documents/2022/11/f-2022-0834(da)noaa.pdf) or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 from the date of publication of this notice, or December 23, 2022.

Comments should be addressed to: Department of State, Office of Coastal, Local Government and Community Sustainability, One Commerce Plaza, 99 Washington Ave., Suite 1010, Albany, NY 12231, (518) 474-6000, Fax (518) 474-6572

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

PUBLIC NOTICE

Department of State
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0591 in the Matter of Gallin Beeler Design Studio Architects, PLLC, Raymond Beeler, 23 Washington Avenue, Pleasantville, NY 10570, for a variance concerning safety requirements, including unprotected sprinklered windows. Involved is a four-story building located at 70 Memorial Plaza, Village Of Pleasantville, NY 10570, County of Westchester, State of New York.

2022-0592 in the Matter of Michael Lewis Architects PC, Michael Lewis, 145 Palisade Street, Suite 307, Dobbs Ferry, NY 10522, for a

variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 24 Pleasant Road, Village of Hastings On Hudson, NY 13076, County of Westchester, State of New York.

2022-0600 in the Matter of Get My Co Corp, Timothy P. Lener, 57 Wheeler Ave., Suite 203, Pleasantville, NY 10570, for a variance concerning safety requirements, including winder treads and duct height. Involved is a one family dwelling located at 49 Perch Bay Road, Town of Lewisboro, NY 10597, 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.

2022-0599 In the matter of Matthieu Colle, 104 Westfield Drive, Ithaca, NY, for a variance concerning fire access road requirements located at 121 Hillcrest Drive, City of Ithaca, County of Tompkins, State of New York.

2022-0602 In the matter of Andrew Schuster, of Ashely Mcgraw Architects, DPC, 125 East Jefferson Street, Syracuse, New York 13202, for a variance concerning allowable building height requirements for a fourth floor addition to be known as Acropolis Center, located at 333 South Salina Street, City of Syracuse, County of Onondaga, 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.

2022-0606 Matter of Jared Mandel Architects, Jared Mandel, 25 Hillside Avenue, Williston Park, NY 11596, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 25 Blackburn Lane, Manhasset, Village of Munsey Park, NY 11030, County of Nassau, 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.

2022-0610 In the matter of David Chambers, of C&S Engineers Inc., 499 Colonel Eileen Collins Boulevard, Syracuse, New York

13212, for a variance concerning allowable building materials requirements for an addition to be known as Indium Corporation, located at 5836 Success Drive, City of Rome, County of Onieda, State of New York.

2022-0611 In the matter of Richard Huber, 244 Comfort Road, Apartment One, Ithaca, NY, for a variance concerning handrail and guardrail requirements located at 119 Ferris Place, City of Ithaca, County of Thompson, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission Commission Meeting

SUMMARY: The Susquehanna River Basin Commission will conduct its regular business meeting on December 15, 2022 in Harrisburg, Pennsylvania. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice. Also the Commission published a document in the Federal Register on October 13, 2022, concerning its public hearing on November 3, 2022, in Harrisburg, Pennsylvania.

DATES: The meeting will be held on Thursday, December 15, 2022, at 9 a.m.

ADDRESSES: This public meeting will be conducted in person and digitally from the Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, Pennsylvania 17110.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, (717) 238-0423; fax (717) 238-2436.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) adoption of the regulatory program fee schedule for CY2023; (2) adoption of a resolution recognizing the 50th anniversary of the Clean Water Act; (3) approval of contracts, grants and agreements; (4) and actions on 13 regulatory program projects.

This agenda is complete at the time of issuance, but other items may be added, and some stricken without further notice. The listing of an item on the agenda does not necessarily mean that the Commission will take final action on it at this meeting. When the Commission does take final action, notice of these actions will be published in the Federal Register after the meeting. Any actions specific to projects will also be provided in writing directly to project sponsors.

The meeting will be conducted both in person at the Susquehanna River Basin Commission Harrisburg headquarters and digitally. The public is invited to attend the Commission's business meeting. You can access the Business Meeting through a computer (Audio and Video) by following the link: <https://srbc.webex.com/srbc/j.php?MTID=meb4986cc5831b88ea7d5b1ef5151e7b6> then enter meeting number 177 203 4471 and password CommBusMtg1215. You may also participate telephonically by dialing 1-877-668-4493 and entering the meeting number 177 203 4471 followed by the # sign.

Written comments pertaining to items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110-1788, or submitted electronically through www.srbc.net/about/meetings-events/business-meeting.html. Such comments are due to the Commission on or before November 14, 2022. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806, 807, and 808.

Dated: November 8, 2022.

Jason E. Oyler,

General Counsel and Secretary to the Commission

PUBLIC NOTICE

Susquehanna River Basin Commission Grandfathering (GF) Registration Notice

SUMMARY: This notice lists Grandfathering Registration for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: October 1-31, 2022.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists GF Registration for projects, described below, pursuant to 18 CFR Part 806, Subpart E, for the time period specified above:

1. Hickory Heights, Inc. – Hickory Heights Golf Club, GF Certificate No. GF-202210226, North Codorus Township, York County, Pa.; Well 1; Issue Date: October 26, 2022.

2. Kline Township Municipal Authority – Public Water Supply System, GF Certificate No. GF-202210227, Kline Township, Schuylkill County, Pa.; combined withdrawal from Well 1, Well 2, Well 8, Honey Brook Reservoir, and No. 8 Reservoir; Issue Date: October 26, 2022.

3. Pennsy Supply, Inc. – Pittston Quarry, GF Certificate No. GF-202210228, Jenkins Township, Luzerne County, Pa.; Well 1; Issue Date: October 26, 2022.

4. Wellsboro Borough Municipal Authority – Public Water Supply System, GF Certificate No. GF-202210229, Duncan and Charleston Townships, Tioga County, Pa.; see Addendum; Issue Date: October 26, 2022.

5. Emporium Country Club, Inc. – Emporium Country Club, GF Certificate No. GF-202210230, Lumber Township, Cameron County, Pa.; Driftwood Branch Sinnemahoning Creek, spring-fed ponds, and consumptive use; Issue Date: October 26, 2022.

6. Village of Horseheads – Public Water Supply System, GF Certificate No. GF-202210231, Town of Horseheads, Chemung County, N.Y.; Wells 1, 2, and 4; Issue Date: October 26, 2022.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: November 8, 2022.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

PUBLIC NOTICE

Susquehanna River Basin Commission Projects Approved for Consumptive Uses of Water

SUMMARY: This notice lists Approvals by Rule for projects by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: October 1-31, 2022.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR § 806.22(f) for the time period specified above:

Water Source Approval – Issued Under 18 CFR 806.22(f):

1. Chesapeake Appalachia, L.L.C. ; Pad ID: McCabe; ABR-201008157.R2; Towanda Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 17, 2022.

2. Chesapeake Appalachia, L.L.C. ; Pad ID: Rylee; ABR-20100610.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 17, 2022.

3. Chesapeake Appalachia, L.L.C. ; Pad ID: Thall; ABR-201008140.R2; Albany Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 17, 2022.

4. Chesapeake Appalachia, L.L.C. ; Pad ID: Wolf; ABR-

201008158.R2; Athens Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 17, 2022.

5. EQT ARO LLC; Pad ID: Clearview HC Pad A; ABR-201007076.R2; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 17, 2022.

6. EQT ARO LLC; Pad ID: COP Tr 285 Pad E; ABR-201007074.R2; Grugan Township, Clinton County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 17, 2022.

7. EQT ARO LLC; Pad ID: Frank L Hartley Pad A; ABR-201008144.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 17, 2022.

8. PPG Operations LLC; Pad ID: COP 324-A; ABR-202210002; Girard Township, Clearfield County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 17, 2022.

9. Repsol Oil & Gas USA, LLC; Pad ID: CALABRO T2; ABR-201505007.R1; Orange Town, Schuylers County, NY; Consumptive Use of Up to 0.0800 mgd; Approval Date: October 17, 2022.

10. Repsol Oil & Gas USA, LLC; Pad ID: FROST 2; ABR-201505005.R1; Orange Town, Schuylers County, NY; Consumptive Use of Up to 0.0800 mgd; Approval Date: October 17, 2022.

11. Seneca Resources Company, LLC; Pad ID: B09-S; ABR-202210001; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 17, 2022.

12. Seneca Resources Company, LLC; Pad ID: Kinnan 845; ABR-201008135.R2; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 17, 2022.

13. BKV Operating, LLC; Pad ID: P&G Warehouse 1-1H; ABR-201008156.R2; Meshoppen Township, Wyoming County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 19, 2022.

14. BKV Operating, LLC; Pad ID: Ricci Well Pad; ABR-201208019.R2; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 19, 2022.

15. Chesapeake Appalachia, L.L.C.; Pad ID: SGL-12 L SOUTH UNIT PAD; ABR-202010001.1; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 19, 2022.

16. Coterra Energy Inc. ; Pad ID: SalanskyT P1; ABR-201208022.R2; Gibson Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: October 19, 2022.

17. Range Resources - Appalachia, LLC; Pad ID: McWilliams Unit #6H - #10H Well Pad; ABR-201208015.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2022.

18. Range Resources - Appalachia, LLC; Pad ID: Null Bobst Unit 1H - 5H; ABR-201208018.R2; Cogan House Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2022.

19. Repsol Oil & Gas USA, LLC; Pad ID: GREEN NEWLAND LLC (05 067); ABR-201008151.R2; Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 19, 2022.

20. Repsol Oil & Gas USA, LLC; Pad ID: KUHLMAN (05 258) M; ABR-201208023.R2; Windham Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 19, 2022.

21. Seneca Resources Company, LLC; Pad ID: DCNR Tract 001 1H; ABR-201008142.R2; Sweden Township, Potter County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 19, 2022.

22. Chesapeake Appalachia, L.L.C. ; Pad ID: SGL 289B; ABR-201009009.R2; West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 24, 2022.

23. Chesapeake Appalachia, L.L.C. ; Pad ID: Stoudt; ABR-201009011.R2; Overton Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 24, 2022.

24. Chesapeake Appalachia, L.L.C. ; Pad ID: Tague East Drilling Pad; ABR-201208024.R2; Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 24, 2022.

25. Chesapeake Appalachia, L.L.C. ; Pad ID: Vera; ABR-201009001.R2; Fox Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 24, 2022.

26. EQT ARO LLC; Pad ID: Plants Evergreen Farm Pad A; ABR-201009003.R2; Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 24, 2022.

27. Repsol Oil & Gas USA, LLC; Pad ID: RITZ (03 073) G; ABR-201009019.R2; Columbia Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 24, 2022.

28. Chesapeake Appalachia, L.L.C. ; Pad ID: Atgas; ABR-201008066.R2; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 30, 2022.

29. Chesapeake Appalachia, L.L.C. ; Pad ID: Bluegrass; ABR-201007103.R2; Rush Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 30, 2022.

30. Repsol Oil & Gas USA, LLC; Pad ID: ANTISDEL (05 035) M; ABR-201009015.R2; Warren and Windham Townships, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 30, 2022.

31. Repsol Oil & Gas USA, LLC; Pad ID: UGLIUZZA (05 006) L; ABR-201007086.R2; Pike Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 30, 2022.

32. Repsol Oil & Gas USA, LLC; Pad ID: WRAY (03 058) M; ABR-20100649.R2; Wells Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: October 30, 2022.

33. Chesapeake Appalachia, L.L.C. ; Pad ID: Williams; ABR-201009031.R2; Ulster Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 31, 2022.

34. Inflection Energy (PA) LLC; Pad ID: Smith West Well Site; ABR-202210004; Gamble Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 31, 2022.

35. PPG Operations LLC; Pad ID: COP 324 Elk; ABR-202210003; Girard Township, Clearfield County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: October 31, 2022.

36. Seneca Resources Company, LLC; Pad ID: COP Pad J; ABR-201009022.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 31, 2022.

37. Seneca Resources Company, LLC; Pad ID: PHC Pad T; ABR-201009039.R2; Lawrence Township, Clearfield County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 31, 2022.

38. Seneca Resources Company, LLC; Pad ID: Wood 496; ABR-201009026.R2; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: October 31, 2022.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

Dated: November 8, 2022.

PUBLIC NOTICE

Susquehanna River Basin Commission Projects Approved for Minor Modifications

SUMMARY: This notice lists the minor modifications approved for a previously approved project by the Susquehanna River Basin Commission during the period set forth in DATES.

DATES: October 1-31, 2022

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax (717) 238-2436; e-mail: joyler@srbc.net. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists previously approved projects, receiving approval of minor modifications, described below, pursuant to 18 CFR § 806.18 or to Commission Resolution Nos. 2013-11 and 2015-06 for the time period specified above.

1. Seneca Resources Company, LLC (Cowanesque River), Docket No. 20220920, Deerfield Township, Tioga County, Pa.; approval to change intake design and location; Approval Date: October 18, 2022.

2. Clearfield Municipal Authority (Moose Creek Well 3), Docket No. 20220921, Lawrence Township, Clearfield County, Pa.; approval to change monitoring requirements; Approval Date: October 26, 2022.

3. East Cocalico Township Authority (Well M), Docket No. 20220606, West Cocalico Township, Lancaster County, Pa.; correction to Special Condition 23; Correction Issue Date: October 31, 2022.

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806 and 808.

Dated: November 8, 2022.

Jason E. Oyler,

General Counsel and Secretary to the Commission.

EXECUTIVE ORDERS

Executive Order No. 4.14: Continuing the Declaration of a Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York.

WHEREAS, there are staffing shortages in hospitals and other healthcare facilities and they are expected to continue;

WHEREAS, severe understaffing in hospitals and other healthcare facilities is expected to continue to affect the ability to provide critical care and to adequately serve vulnerable populations;

WHEREAS, there is an immediate and critical need to supplement staffing to assure hospitals and healthcare facilities can provide care;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the New York State Constitution and the laws of the State of New York, do hereby extend the state disaster emergency as set forth in Executive Order 4, as continued by its successors, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 4 and its successors, until November 26, 2022.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this first day of November in the year two thousand twenty-two.

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-seventh 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. 5.14: Continuing the Temporary Suspension and Modification of Laws Related to the Disaster Emergency in the Counties of the Bronx, Kings, New York, Richmond and Queens Due to Conditions at Rikers Island Correctional Center.

WHEREAS, the Rikers Island Correctional Center has been facing a severe staffing shortage in recent months and this is expected to continue;

WHEREAS, the conditions in the facilities are expected to continue to create an unsafe, life-threatening environment for both the inmates and the staff;

WHEREAS, a federal monitor appointed to oversee the Correctional Center reported a “pervasive level of disorder and chaos,” in the facilities in its Eleventh Report of the *Nunez* Independent Monitor;

WHEREAS, there is a need to facilitate the use of virtual court appearances to expedite proceedings and to reallocate corrections department staff from transportation and production of defendants to housing supervision and safety;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 5, as continued by Executive Order 5.13, and do hereby continue the terms, conditions, and suspensions contained in Executive Order 5 and its successors, until December 1, 2022.

