
NEW YORK STATE
REGISTER

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

For notices published in this issue:

- the 60-day period expires on February 12, 2023
- the 45-day period expires on January 28, 2023
- the 30-day period expires on January 13, 2023

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GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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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

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

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

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

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

Office of Cannabis Management

ERRATUM

A Notice of Emergency Adoption and Proposed Rule Making published in the December 7, 2022 issue of the *State Register* pertaining to Violations, Hearing and Enforcement inadvertently contained an incorrect I.D. No. Please be advised that the correct I.D. No. for this rule is OCM-49-22-00024-EP.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Adult-Use Cannabis

I.D. No. OCM-50-22-00010-P

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

Proposed Action: Addition of Parts 118, 119, 120, 121, 124, 125 and 131 to Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13, 85, 87, 89, 91 and 131

Subject: Adult-Use Cannabis.

Purpose: To regulate, control, and tax adult-use cannabis, generate significant new revenue, invest in communities and people most impacted by cannabis criminalization, reduce participation in the unlawful market, create new industries, and increase employment.

Substance of proposed rule (Full text is posted at the following State website: cannabis.ny.gov): As required by Section 13, 85, 87, 89, 91, and 131 of the Cannabis Law, Chapter II of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, and new Parts 118, 119, 120, 121, 123, 124, 125 and 131 added, to be effective upon publication of a Notice of Adoption in the New York State Register.

Part 118. Definitions. Defines terms used in Parts 119, 120, 121, 123, 124, and 125, including but not limited to, “cannabis paraphernalia”, “financial interest”, “manufacturing”, “mature cannabis plant”, “outdoor cultivation,” and “sole control”.

Part 119. Municipal Rulemaking. Establishes the power of the Cannabis Control Board (Board) to preempt local municipal laws, rules, ordinances, regulations, or prohibitions pertaining to the operation of adult-use retail dispensaries and on-site consumption sites. Provides for the types of notification required by licensees to municipalities, including but not limited to contact information, name of applicant, and a statement indicating what the application is for. Establishes measurement of distances between adult-use dispensaries and on-site consumption locations and school grounds, houses of worship, and community facilities.

Part 120. Application and Licensure. Establishes the application and licensure process for nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, registered organization with dispensing (ROD), and registered organization non-dispensing (ROND). Establishes the process in which applicants must submit various identifying information, including but not limited to contact information, financial disclosures, and criminal history information. Details the various license types and the tiers and options which an applicant may select to determine the type of license it seeks, with each license type being further customized to include, but not be limited to lighting options and cultivation area size for nurseries, cultivators, microbusinesses or cooperatives and processing which includes extraction, blending and infusion or packaging and labeling. Provides for application fees for all applicants, as well as licensing fees based upon the licensing tier licensees seek. Requires that all applicants must satisfy minimum requirements to be eligible for a license, including, among other things, a community impact plan, an environmental plan, and where applicable, a medical patient prioritization plan. Outlines the evaluation criteria, as determined by the Board, for each adult-use cannabis license which, in addition to adding an evaluation of the plans outlined above for eligibility, includes, but is not limited to, a history of being able to create an equitable workplace environment, culturally and linguistically competent services to diverse and underserved population, and serving as community leaders. Describes the selection process that will be used by the Office and the Board to select applicants to become an adult-use cannabis licensee, including elements that could have certain applicants prioritized by groupings consistent with Section 87 of the Cannabis Law. Specifies the conditions surrounding issuance of a license by the Board, including, but not limited to, an applicant’s ability to properly carry out the activities they set forth in their application and specifies that licenses shall not be transferrable or assignable without prior written approval of the Board. Provides for a two-year duration of an adult-use license once issued by the Board and for a process to surrender such license. Establishes a license renewal process where the Board can determine whether a licensee can renew their license based upon specified factors. Outlines a license denial process where the Board can determine if an applicant fails to meet specified requirements, including requirements on renewal applications. Establishes a process for the withdrawal of application by the applicant and an amendment to an application by the applicant, including, but not limited to, the applicants history of violations, the questionable nature of the source of funds in operating the business, failing to submit information requested by the Office, failing to disclose material facts or makes false representations, having outstanding violations with local, state or federal authorities, and failures to correct deficiencies or violations. Provides an opportunity for those that have been denied to re-apply and establishes the rules which must be adhered to in order to be considered for a license. Sets forth the standard for reviewing disqualifying offenses, including those outlined in Section 137 of the Cannabis Law. Establishes a duty to report to the Office for all licensees that have any changes or amendments to the operations of their business with certain amendments requiring Board approval. Finally, this Part offers an opportunity to cure for those who have failed to submit material documentation and information required by the application.

Part 121. Social and Economic Equity Rules. Establishes qualifications for social and economic equity applicants, where they must demonstrate through mandatory production of documents, that sole control, which is further described in this Part, of the applicant is held by an individual from a community disproportionately impacted by the enforcement of cannabis prohibition, a minority-owned businessperson, a women-owned businessowner, a distressed farmer, or a service-disabled veteran, qualifications of which are described and outlined in this Part. Describes what information the Office may ask for to determine the eligibility of the specific social and economic equity applicant they are. Authorizes the Office to give priority to such applicants once sole ownership qualifications are verified. Specifies that extra priority can be given to those who demonstrate that they are from communities disproportionately impacted by the enforcement of cannabis prohibition if they have an income lower than 80% of the median income of the county where the applicant resides. Requires applicants and licensees under this Part to continuously disclose any material changes to the information provided to the Office, and to demonstrate their commitment to the social and economic equity goals of the Cannabis Law, which can be demonstrated by the design and implementation of a community impact plan. Provides a whistleblower provision pursuant to Labor Law Article 20-C, to protect those who are notifying the Office to a change in the status of the business owned by a social and economic equity licensee.

Part 123. License Specific Authorizations, Requirements and Prohibitions. Provides for license specific authorizations, requirements, and prohibitions for nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, RONDs, and laboratories. Such authorizations, requirements, and prohibitions include, but are not limited to nurseries labeling immature cannabis plants for transfer of sale; cultivators selling cannabis only to a processor, processors holding only one distributor license; distributors may only transport cannabis products, retail dispensaries must verify proof of age of its customers; microbusinesses may sell cannabis products it has cultivated or processed to consumers; cooperatives must abide by all operational requirements of each license type activity it performs; RONDs cannot have more than 100,000 square feet of cultivation area; and RODs must comply with Americans with Disabilities Act standards.

Part 124. General Business Requirements and Prohibitions. Establishes certain requirements and prohibitions licensees may or may not engage in. Provides that no person is permitted to enter into agreements that would allow such person to cause undue influence over a licensee. Bans licensees from engaging in business practices such as gifts, customer loyalty programs, rebates, or preferential shelf or display spaces. Provides that microbusinesses, cooperatives, distributors, RODs, or RONDs may provide free samples of cannabis products to negotiate a sale to a retail dispensary or on-site consumption lounge provided sample limits set by the Office are followed and such sample is recorded accordingly in the licensee's inventory and to report retailers to the Office who are delinquent in payments. Such licensees may also provide retailers and their employees with branded promotional items of nominal value and may only bear imprinted advertisements of such licensees. Bans licensees from giving away or distributing promotional items such as branded or unbranded merchandise to cannabis consumers. Establishes the terms of the sale, including, but not limited to sell cannabis and cannabis products, or cannabis merchandise or paraphernalia, at prices indicative of their true value when sold without any other products; not discriminating on price and payment terms, what kinds of checks are authorized, and dispute resolution. Authorizes the Board to revoke, cancel, or suspend any license found to be in violation of the requirements or for making a false statement in any disclosures. Exempts certain agreements from being presumed as creating undue influence between licensees and others, including but not limited to general goods and services providers, landlords, and financial institutions. Bans agreements between licensees and others that may be viewed as a conflict of interest, including but not limited to consulting, advisory, or strategic services related to licensed activities.

Part 125. General Operating Requirements and Prohibitions. Provides general operating requirements for all adult-use licensees, including, but not limited to, the requirement for providing the Office with: a site plan outlining details of the licensed premises; an operating plan laying out security and employee training and safety plan, an overview of all activities planned for the site, and pest management and control plan; and a sustainability practices and environmental plan to reduce or eliminate single use plastics, reduce carbon footprint, and water conservation. Requires licensees to implement sufficient security measures to deter diversion, theft, or loss of cannabis and cannabis products as well as loss of cash, and to prevent unauthorized access into certain areas during and after hours of normal operation. Such security protocols must include but are not limited to, implementing and maintaining a security plan, securing all entrances including doors and windows, and maintaining the exterior of the building. Requires all cannabis and cannabis products to be stored in a secure room, locked safe, vault, or other approved equipment or location within the

licensed premises to prevent diversion, theft, or loss. Requires security equipment, cannabis and cannabis products to be only accessed by authorized licensed personnel, employees of the Office or its authorized representatives, emergency personnel responding to an emergency, or others authorized by the licensee for the sole purpose of maintaining the operations of the facility. Requires the premises to be secured by a perimeter alarm that communicates with an internal designee and a third-party central monitoring station and video camera surveillance system that monitors all storage areas, entrances, and point-of-sale areas. Requires licensees to report any breach of security to the Office within twenty-four hours of such breach. Licensees must maintain a training manual that includes guidelines, safety and security procedures, the powers of the Office, the history of cannabis, waste disposal, privacy and confidentiality, record maintenance, implicit bias training, and relevant local, state, and federal laws and regulations. Requires licensees to comply with all applicable federal, state, and local laws and regulations related to worker training, safety, health, and pay and further requires adequate maintenance, cleaning, and sanitization of all facilities, containers, tools, contact surfaces, and equipment to ensure health and safety for all employees and the public. Implements procedures for recall and quarantine of cannabis and cannabis products, whether initiated by the licensee or the Office. Establishes safe transportation practices of cannabis by licensees which include but are not limited to the use of shipping manifests, GPS technology, and other methods of tracking. Requires licensees to appropriately dispose of cannabis or cannabis products that are not appropriate for cultivation, processing, distribution, or sale, including cannabis waste by-products. Establishes procedures and processes for licensed or permitted premises and all records, including but not limited to financial statements and corporate documents, to be subject to inspection by the Office. Licensees are required to maintain, and make readily available upon request to the Office, records, laboratory testing results, contracts, and other relevant documents.

Part 131. Provides for the severability of the provisions in the regulations in the event any provision or its application is found to be invalid and lists those materials that have been incorporated by reference in the additional Parts.

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

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

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

Regulatory Impact Statement

Statutory Authority:

Sections 13, 85, 87, 89, 91, and 131 of the Cannabis Law provide, in part, that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. These proposed rules and regulations shall include the application, eligibility, and licensing of applicants seeking to obtain a license to operate as an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, registered organizations with dispensing (ROD), or registered organizations non-dispensing (ROND).

Legislative Objectives:

The Legislature intended to regulate, control, and tax adult-use cannabis and cannabis products, generate significant new revenue, make substantial investments in communities and people most impacted by cannabis criminalization, reduce participation of otherwise law-abiding citizens in the unlawful market, end the racially disparate impact of existing cannabis laws, create new industries, and increase employment.

Needs and Benefits:

The proposed regulations accomplish the objectives noted above by establishing application requirements for initial and renewal licensure as adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, and RONDs. This will, in turn, build upon a growing adult-use cannabis retail dispensary industry in New York State that will follow the initial phase of the conditional adult-use retail dispensaries (CAURD) roll-out. The proposed regulations outline a licensing process for all adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, ROD, and ROND, and how they must be sited, how they interact with local governments, and how they interact with the Board and the Office of Cannabis Management (Office). The proposed regulations also provide a detailed framework of all application and licensing requirements, including what information is needed by the Office to process any adult-use cannabis license application, and what will be required for license renewals. Further, the proposed regulations create an additional opportunity beyond what was made available through CAURD to establish qualifications for

social and equity adult-use cannabis equity applicants where such individuals who hold sole control of such license must be from a community disproportionately impacted by the enforcement of cannabis prohibition, a minority-owned businessperson, a women-owned businessowner, a distressed farmer, or a service-disabled veteran. The proposed regulations further establish certain requirements and prohibitions licensees may or may not engage in and provides penalties thereto. Finally, the proposed regulations provide general operating requirements for all adult-use licensees, including but not limited to security and safety plans, an overview of all activities planned for the premises, a pest management and control plan, and a sustainability plan.

The proposed rules establish the framework necessary to address common challenges faced by adult-use cannabis programs in other states in providing access and opportunity in the market to those most impacted by the enforcement of the prohibition of cannabis. The common challenges faced by programs in other states tend to be: (1) access to capital; (2) access to real estate, and (3) timing into the market. These proposed regulations provide an opportunity for social and equity adult-use cannabis equity applicants to gain entrance into the adult-use market with less barriers in place. The proposed rules will also seek to decrease the illicit cannabis market by creating a lawful, fair, and equitable industry through a regulatory framework that enables legitimate businesses to thrive. Additionally, these proposed rules will seek to educate the public through continued use of public information campaigns to destigmatize legal and regulated cannabis use, possession, and sales.

Costs:

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

There will be a non-refundable fee of \$1,000 for adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, and cooperative license applications. There will be a \$10,000 applications fee for both ROD and ROND license applications.

There will be additional licensing fees for adult-use nurseries based upon the square footage of outdoor area, mixed light area, or indoor area being utilized and ranging in cost from \$750 to \$2,000. There will be additional licensing fees for adult-use cultivators based upon the tiers in which the cultivator is seeking a license for, which is further determined by square footage of outdoor and/or indoor area, mixed light area, and ranging in cost from \$1,000 plus \$150 per 500 square foot of outdoor cultivation canopy of up to 5,000 square feet to \$100,000 plus \$2,000 per square foot of indoor cultivation canopy over 50,000 square feet. There will be additional licensing fees for adult-use cooperative cultivation licenses based upon the tiers in which the cooperative is seeking a license for, which is further determined by square footage of outdoor and/or indoor cultivation area, and mixed light area, ranging in cost from \$15,000 plus \$0.25 per square foot of cultivation canopy up to \$25,000 square feet to \$50,000 plus \$0.75 per square foot of cultivation canopy greater than 50,000 square feet up to 100,000 square feet. There will be an additional licensing fee of \$10,000 per processing location for adult-use processors utilizing extraction. There will be an additional licensing fee of \$2,000 per processing location for adult-use processors utilizing non-extraction. There will be an additional licensing fee of \$5,000 per location for adult-use cooperative processors. There will be an additional licensing fee of \$7,000 per operating location for adult-use distributors. There will be an additional licensing fee of \$3,500 per operating location for adult-use cooperative distributors. There will be an additional licensing fee of \$7,000 for adult-use retail dispensaries. There will be an additional licensing fee of \$4,500 for adult-use microbusinesses. There will be an additional licensing fee of \$4,500 for adult-use delivery.

There will be an additional licensing fee for RONDs associated with the tier or combination cultivation tier for which the ROND is licensed. RONDs will be required to pay an additional fee of \$75,000 for adult-use processing, an additional fee of \$100,000 for adult-use distribution and for the first year, prior to conducting the first adult-use cannabis sale, a one-time initial license fee of \$5 million. For the first five years after the first retail adult-use sale for the ROND licensee, the ROND will be required to pay the lesser of two percent of all gross revenue generated by the licensee's New York State adult-use operations, or \$1 million. In addition to the license fees for a ROND, a ROD will be required to pay \$100,000 per co-located retail dispensary and a one-time special license fee of \$3 million per co-located adult-use retail dispensary.

All applicants are required to pay any fees for amendments or changes to applications submitted to the Office. Upon application for license renewal, licensees will be required to pay renewal fees which will be equivalent to the fees paid for the initial license or as otherwise determined by the Board.

There may be a reduced fee provided to those applicants who qualify as a social and economic equity applicant for up to a 50% reduction, waiver or deferred fee and supplemental reductions or waivers for those applicants that demonstrate sufficient financial need.

There may be additional and presently unquantifiable expenses for licensees associated with environmental fees and costs, dependent on what the licensee needs to do for compliance for their own individual operations, including but not limited to sanitation, waste disposal, heating, ventilation, and air conditioning, and odor control.

Article 4 of the Cannabis Law outlines requirements for adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, and RONDs including but not limited to, identification checks to ensure all customers are 21 years or older, security provisions to prevent inversion or diversion of cannabis products, record keeping requirements, tax collection and remitting responsibilities and making public health educational materials available at adult-use retail dispensary locations.

Costs to State and Local Governments:

Pursuant to section 76 of the Cannabis Law and under these proposed rules, applicants are required to notify local governments if and when they intend to locate a licensed adult-use retail dispensary, on-site consumption premises, or ROD within their municipal boundaries. Local governments may incur minor expenses related to processing the receipt of such notification and information submittal as well as offering an opinion on the matter, should they choose to do so. To offset this, however, the Cannabis Law imposes a four percent tax on the sale of adult-use cannabis sold at a retail dispensary to be directed to the localities where retail dispensaries are located, pursuant to Section 493 of the Tax Law.

Costs to the Office:

The Office anticipates the adult-use licensing program will require Office resources to support the application development and review and ongoing monitoring and compliance of licensees. Staff will be required to review and manage the applications submitted and enforce compliance associated with all adult-use cannabis licenses once they are licensed. Additionally, staff will be required to enforce against illegal activity of unlicensed entities engaged in unlawful cannabis-related activities. Activities will be funded by the New York State Cannabis Revenue Fund.

Local Government Mandates:

The proposed rule does not impose any new programs, services, duties or responsibilities on local government. However, pursuant to section 76 of the Cannabis Law and under these proposed rules, applicants are required to notify local governments if and when they intend to locate a licensed adult-use retail dispensary, on-site consumption premises and a ROD within their municipal boundaries. While it is not mandatory, local governments may express an opinion for or against the granting of such license, should they choose to do so.

Paperwork:

The paperwork associated with processing applications for entities who wish to become an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, ROD, and ROND licensees in New York State will include background information on the applicant and each individual associated with the ownership, management and financing of the applicant, among other requirements. It is anticipated that processing applications will be ongoing as applicants apply and renew. Additionally, applicants seeking prior written approval of the Office for changes to their operation or ownership structure will need to submit documents needed for the Office to review and consider the request for approval or denial.

Paperwork will be associated with the maintenance of records for the applicant and licensee's operating procedures as well other records required. Applicants and licensees are required to continue to disclose any change to the information provided to the Office at the time of application and after licenses are disclosed. Applicants and licensees will be required to retain their records for a period of five years.

Duplication:

The proposed rule does not duplicate any existing State or federal requirements that are applicable to adult-use cannabis licenses.

Alternatives:

There were no significant alternatives proposals to be considered for the adoption of the proposed regulations as the alternative would have been to do nothing. The Board implemented conditional licenses pursuant to sections 68-C and 69-A of the Cannabis Law and Part 116 of Chapter II of Subtitle B of Title 9, however, it would not be considered a permanent alternative. Doing nothing was not a significant alternative because there was a need to provide licenses for adult-use purposes to address the legislative intent to regulate, control, and tax cannabis, generate significant new revenue, make substantial investments in communities and people most impacted by cannabis criminalization, reduce participation of otherwise law-abiding citizens in the unlawful market, end the racially disparate impact of existing cannabis laws, create new industries, and increase employment. Putting an application and licensure process in guidance was also not a viable alternative because the Office would have required specific rules to be strictly adhered to in the process, however, guidance necessitates flexibility. This process could not be flexible.

Federal Standards:

Federal requirements do not include provisions for an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, ROD, or ROND licensure.

Compliance Schedule:

The proposed regulations will take effect upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis**Effect of Rule:**

This proposed rule will allow adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, registered organizations with dispensing (ROD), and registered organizations non-dispensing (ROND) to become licensed to operate in New York State. The Board shall determine the number of physical locations of each type of adult-use license and concentration of such within regions of New York State. There are no costs to existing small business establishments or government entities in New York State.

Compliance Requirements:

Applicants who receive an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, registered organization with dispensing (ROD), or registered organization non-dispensing (ROND) license will need to comply with all the laws, rules and regulations governing such adult-use licenses. Such application requirements include the submission of various identifying information to the Office, including, but not limited to, contact information, financial disclosures, and criminal history information. It further provides for application fees for all applicants, as well as fees based upon the licensing tier licensees seek. It is also mandatory that all applicants must satisfy minimum requirements to be eligible for a license, including a social equity plan, an environmental plan, and where applicable, a medical patient prioritization plan. Licensees will be required to submit regular reports to the Office, depending on the type of license they hold. Such reports include but are not limited to delinquent payments or breaches of security. Further, Article 4 of the Cannabis Law outlines requirements for adult-use licenses including but not limited to, identification checks to ensure all customers are 21 years or older, security provisions to prevent diversion or inversion of cannabis products, record keeping requirements, tax collection and remitting responsibilities, and making public health educational materials available at retail dispensary locations. Additionally, these proposed rules establish the power of the Board to preempt local municipal laws, rules, ordinances, regulations, or prohibitions pertaining to the operation of all adult-use cannabis licenses, with a special carve out for adult-use retail dispensaries and on-site consumption premises. The proposed rules also provide for the types of notification required by adult-use retail dispensaries, on-site consumption premises and RODS to municipalities, including, but not limited to, contact information, name of applicant, and a statement indicating whether the notification is for a new establishment, a transfer of an existing licensed business, or a renewal, among other purposes for notification. They also establish measurement of distances between adult-use dispensaries and on-site consumption sites and school grounds (500 feet) and houses of worship (200 feet).

Professional Services:

No professional services will be required of local governments. Adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, and RONDs may need to utilize or hire law professionals, accounting professionals, other financial professionals, architects, engineers, electricians, plumbers, and heating, ventilation, and air conditioning professionals while developing and/or during the operation of their businesses.

Compliance Costs:

There are no small business entities which are currently licensed to operate an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, ROD, or ROND in New York State. The proposed regulations do not impose an economic impact on any existing small business entity. Entities who wish to become licensed as an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, ROD, or ROND in New York State will incur costs associated with the operation of a nursery, cultivator, processor, distributor, ROD, or ROND for cannabis product. These costs include but are not limited to record keeping requirements and security standards and protocols. There will be a non-refundable fee of \$1,000 for adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, and cooperative license applications. There will be a \$10,000 applications fee for both ROD and ROND license applications.

There will be additional licensing fees for adult-use nurseries based upon the square footage of outdoor area, mixed light area, or indoor area being utilized and ranging in cost from \$750 to \$2,000. There will be additional licensing fees for adult-use cultivators based upon the tiers in which the cultivator is seeking a license for, which is further determined by square footage of outdoor and/or indoor area, mixed light area, and

ranging in cost from \$1,000 plus \$150 per 500 square foot of outdoor cultivation canopy of up to 5,000 square feet to \$100,000 plus \$2,000 per square foot of indoor cultivation canopy over 50,000 square feet. There will be additional licensing fees for adult-use cooperative cultivation licenses based upon the tiers in which the cooperative is seeking a license for, which is further determined by square footage of outdoor and/or indoor cultivation area, and mixed light area, ranging in cost from \$15,000 plus \$0.25 per square foot of cultivation canopy up to \$25,000 square feet to \$50,000 plus \$0.75 per square foot of cultivation canopy greater than 50,000 square feet up to 100,000 square feet. There will be an additional licensing fee of \$10,000 per processing location for adult-use processors utilizing extraction. There will be an additional licensing fee of \$2,000 per processing location for adult-use processors utilizing non-extraction. There will be an additional licensing fee of \$5,000 per location for adult-use cooperative processors. There will be an additional licensing fee of \$7,000 per operating location for adult-use distributors. There will be an additional licensing fee of \$3,500 per operating location for adult-use cooperative distributors. There will be an additional licensing fee of \$7,000 for adult-use retail dispensaries. There will be an additional licensing fee of \$4,500 for adult-use microbusinesses. There will be an additional licensing fee of \$4,500 for adult-use delivery.

There will be an additional licensing fee for RONDs associated with the tier or combination cultivation tier for which the ROND is licensed. RONDs will be required to pay an additional fee of \$75,000 for adult-use processing, an additional fee of \$100,000 for adult-use distribution and for the first year, prior to conducting the first adult-use cannabis sale, a one-time initial license fee of \$5 million. For the first five years after the first retail adult-use sale for the ROND licensee, the ROND will be required to pay the lesser of two percent of all gross revenue generated by the licensee's New York State adult-use operations, or \$1 million. In addition to the license fees for a ROND, a ROD will be required to pay \$100,000 per co-located retail dispensary and a one-time special license fee of \$3 million per co-located adult-use retail dispensary.

All applicants are required to pay any fees for amendments or changes to applications submitted to the Office. Upon application for license renewal, licensees will be required to pay renewal fees which will be equivalent to the fees paid for the initial license fees or as otherwise determined by the Board.

There may be additional and presently unquantifiable expenses for licensees associated with environmental fees and costs, dependent on what the licensee needs to do for compliance for their own individual operations, including but not limited to sanitation, waste disposal, heating, ventilation, and air conditioning, and odor control.

Economic and Technological Feasibility:

This proposal is economically and technologically feasible. The operations of an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, ROD, or ROND do not impose any unique technological or economic challenges to small businesses or local governments compared to other similar industries such as a liquor store or pharmacy. It could be argued that the regulated cannabis industry may have minor environmental impacts on the surrounding lands where licensed entities premises would be located, including, but not limited to a potential increase in vehicle and pedestrian traffic, odors, and added stress on infrastructure. However, it is anticipated that increased tax revenues to municipalities from cannabis regulation will assist in offsetting any possible hardships communities may face. The Tax Law requires adult-use retail dispensaries to collect and remit a 13% excise tax to the Commissioner of Tax and Finance upon retail sale to the consumer. This tax will provide for a return of 9% to New York State and 4% to the localities in which the adult-use cannabis is sold. Of the 4%, the county retains 1%, and the town, city, or village retains 3%.

Minimizing Adverse Impact:

These regulations will expand the sale of adult-use cannabis to customers, as well as further expand cannabis cultivation and processing. These regulations will also provide for adult-use nurseries, distributors, microbusiness, cooperatives, ROD, and ROND, all of which do not currently exist in the adult-use marketplace. The regulations will provide substantial investments in communities and continue to make opportunities available to people most impacted by past cannabis criminalization, while also reducing the unlawful cannabis market, and increasing employment prospects. To minimize the potential for adverse effects associated with the sale or on-site consumption of adult-use cannabis, towns, cities, and villages were provided with the ability to opt-out of allowing dispensaries within their jurisdiction pursuant to section 131 of the Cannabis Law. Section 76 of the Cannabis Law outlines the process in which adult-use dispensary applicants must notify the municipality in which the premises seeks to be located of such applicant's intent to file such an application. These regulations do not create an adverse impact to small business and local governments.

Small Business and Local Government Participation:

The proposed rule was developed in response to feedback from multiple organizations, state agencies, and advocates and who have provided feedback and suggestions for implementation of violations, hearings, and enforcement. Since the CAURD regulation was adopted in August 2022, the Office has actively sought input from throughout the state, with biweekly calls with the New York City’s Mayor’s office and the office of Nightlife. The Office’s External Affairs team attended seminars for the NYS Association of Counties (NYSAC) Fall Seminar. The outreach to small businesses has been equally robust, with events on CAURD bringing the Office to Kingston, Staten Island, the Bronx, and Rochester to talking to people about the prospects of the non-conditional adult-use regulations. The Office had “Get Ready, Get Set for Cannabis” events to solicit information and participation from people who were interested in applying for an adult-use cannabis license. The majority of those who attended these events were individuals and small business owners of the area who were curious as to what the Office had to offer. Additionally, the Office attended the 12th Annual NYS MWBE forum to discuss adult-use cannabis licensing and continues to attend equity roundtables, career fairs, and conduct outreach to small businesses for their thoughts. The topics of discussion vary, but at the forefront of everyone’s mind is how a regulated market will outpace the illicit market, which seems to have been unfettered despite the efforts put in to enforce against illicit activity. In response, we discuss our enforcement activity and what we will be able to do in the future to bad actors, both illicit and licensed, who are not going to take this new industry seriously. Our activity with local enforcement agencies to bring illicit activity off the streets has produced discussions on how to take a collaborative approach and what we need to do in order to make it effective. In addition to our active outreach, there will be a 60-day public comment period with the regulations that will allow for additional comments to be considered.

Cure Periods:

The proposed rule would allow those who have been denied the ability to change or renew a license with the ability to cure the deficiency as stated in the notice of denial. The notice shall include the number of calendar days and the options to cure.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

Outside of major cities and metropolitan population centers, most counties in New York State contain rural areas.

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

There are no new reporting, recordkeeping or other compliance requirements imposed on rural areas because of the regulations. No new professional services will be required specifically of rural areas. Compliance requirements will be limited to the entities who become licensed as an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, registered organization with dispensing (ROD), or registered organization non-dispensing (ROND).

Costs:

There are no compliance costs to existing establishments in rural areas since no new compliance activities are imposed upon them. Compliance costs will be limited to the entities who become licensed as adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, and RONDs.

Minimizing Adverse Impact:

The proposed rule will apply to individuals and entities who wish to operate as an adult-use nursery, cultivator, processor, distributor, retail dispensary, microbusiness, cooperative, ROD, or ROND. Applicants in rural areas of the state, as well as other areas of the state, will be able to obtain information regarding the license online and attend a Board meeting in person or view proceedings via audio visual broadcast or webcast to make the license requirement information easily accessible to all individuals and entities who wish to apply. Licensed adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, RODs, and RONDs will be located throughout the geographic regions of New York State. Specifically, adult-use retail dispensaries, microbusinesses, and RODs will increase accessibility to consumers in rural areas.

Rural Area Participation:

The proposed rule was developed in response to feedback from multiple organizations, state agencies, and advocates and who have provided feedback and suggestions for the implementation of adult-use nurseries, cultivators, processors, distributors, retail dispensaries, microbusinesses, cooperatives, ROD, and ROND. There will be a 60-day public comment period with the regulations that will allow for additional comments to be considered.

Job Impact Statement

The proposed rule will allow for the creation of new jobs to support the activities of entities licensed by the Office of Cannabis Management (Of-

fice) as well as other ancillary businesses participating in adult-use cannabis nurseries, cultivation, processing, distribution, retail dispensing, microbusinesses, cooperatives, and registered organizations. A portion of funds, including revenues pursuant to Article 4 of the Cannabis Law, shall be used to support job placement, job skills services, as well as adult education. This Office has determined that there are no foreseeable adverse impacts on jobs.

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

Adult-Use Packaging, Labeling, Marketing and Advertising

I.D. No. OCM-24-22-00013-RP

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

Proposed Action: Addition of Parts 128 and 129 to Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13, 81 and 86

Subject: Adult-Use Packaging, Labeling, Marketing and Advertising.

Purpose: To protect the health and safety of consumers and help prevent targeting cannabis products to youth by establishing parameters around the packaging, labeling, marketing, and advertising of adult-use cannabis products.

Substance of revised rule (Full text is posted at the following State website: cannabis.ny.gov): Pursuant to the authority vested in the Cannabis Control Board by Sections 13, 81 and 86 of the Cannabis Law, Chapter II of Subtitle B of Title 9 of the Official Compilation of Codes, Rules, and Regulations of the State of New York is hereby amended, and a new Part 128 and Part 129 are added, to be effective upon publication of a Notice of Adoption in the New York State Register.

§ 128.1 Definitions

This section defines all definitions used for both Part 128 and Part 129, including but not limited to: attractive to individuals under twenty-one (21); brand or branding for purposes of packaging, labeling, marketing, and advertising; child-resistant; exit package; principal packaging display panel; special branding material; and universal symbol.

§ 128.2 Cannabis Product Retail Packaging Minimum Standards.

This section provides the minimum standards for retail packaging for adult-use cannabis products, including but not limited to, the requirements that products be packaged in a manner that is child resistant, tamper-evident, resealable if it contains more than one serving, fully enclosed to minimize oxygen exposure and prevent the contamination or degradation of the cannabis product, and non-toxic. Further, it establishes that an exit package is optional and not required to be labeled, but may include only the retail dispensary’s name, logo, and any special branding materials.

§ 128.3 Cannabis Product Retail Packaging Prohibitions.

This section contains the prohibitions for adult-use cannabis product packaging, including but limited to, a ban on any packaging that may appeal to minors (e.g., cartoons, symbols, characters, celebrities, phrases, toys, or games that are commonly used to market products to minors); features which emits scent or sound; and any modification to the packaging appearance through technology, except for anti-counterfeiting purposes. Further, packaging cannot be made of plastic unless it contains at least 25% post-consumer recycled content.

§ 128.4 Retail Packaging Sustainability Program.

This section details product packaging requirements related to sustainability including, but not limited to submission of a plan for an environmental sustainability program for cannabis product packaging as part of their application for licensure. This section also defines parameters for appropriate product packaging re-use, including safeguards related to sanitization and maintaining child-resistant packaging requirements. All environmental sustainability plans must be compliant with Title 16 of the Code of Federal Regulations relating to Commercial Practices in Part 260 regarding Guides for the Use of Environmental Marketing Claims. This section also outlines annual reporting requirements for licensees to the Office related to product packaging amount, weight, size, distribution, sales, source, and cost. Licensees may also need to report progress on their environmental sustainability during the licensing renewal process.

§ 128.5 Cannabis Product Labeling Minimum Standards.

This section details minimum standards for retail labeling for adult-use cannabis products, including but not limited to: the requirements that products be labeled in a manner that includes, total single serving amount and total per package amount of THC, CBD, and any other marketed cannabinoid or terpene; total number of servings per package, and if applicable, the recommended serving size; total weight; lot number; list of all inactive and active ingredients; names of any solvents used; expiration date; use by date; proper storage conditions; full contact information of

processor; universal symbol; required warnings (including font specifications); usage instructions; and a link to a downloadable certificate of analysis of the laboratory results.

§ 128.6 Cannabis Product Labeling Prohibitions.

This section describes the prohibitions for adult-use cannabis product labeling, including but not limited to, labeling done in a manner that is presented with a special attractiveness for individuals under twenty-one (21); includes false or misleading statements; includes the terms “organic,” “craft,” “gluten-free,” “vegan,” or “kosher” unless the product meets certain requirements relevant to each term; creates consumer confusion; depicts cannabis products or paraphernalia; promotes overconsumption, promotes lowered pricing/discounts/or coupons; depicts an individual under twenty-one (21); or includes special branding material unless authorized.

§ 128.7 Retail Packaging and Labeling Violations and Penalties.

This section outlines packaging and labeling violations that may result in the suspension, cancellation, and revocation of a license; including, but not limited to, the transfer, sale, or intent to sell cannabis products that are not in accordance with Part 128. Additionally, this section provides appropriate forms of compliance correction and product return.

§ 128.8 Severability.

This section establishes that if one provision in Part 128 or its application is held invalid, the remainder of Part 128 and its application is not affected.

§ 128.9 Referenced Material.

This section describes the documents incorporated by reference in Part 128.

§ 129.1 Definitions.

This section refers to section 128.1 for the definitions used in Part 129.

§ 129.2 Adult-Use Marketing and Advertising General Requirements.

This section sets forth the standards for marketing and advertisement of adult-use cannabis products including that all branding on labels, signs, advertisements, and other materials be in accordance with Part 128 and 129 as well as requiring that all marketing, advertising, and any advertisements do not jeopardize public health or safety, promote youth use, or be attractive to individuals under twenty-one (21). The licensee must include required language including, but not limited to: age requirements; safe storage; poison control hotline; and responsible consumption, as well as warnings about impairment; habit forming risk; health risks; and pregnancy/breastfeeding risks. This section also details the requirement that advertisements should be reasonably limited to audiences 90% of which is over twenty-one (21). It defines which information is allowed on advertisements at or in connection with sponsored events. It is the onus of the licensee to assure any third-party agreements related to intellectual property, marketing or advertisement are complying with Part 128 and 129.

§ 129.3 Adult-Use Marketing and Advertising Prohibitions.

This section delineates the prohibitions for adult-use cannabis banning marketing, advertising, or advertisements from certain practices, including but not limited to: depicting cannabis products not compliant with Part 128; using images or audio that appeal to minors; being in the form of a billboard unless otherwise allowed per Section 129.4; using colloquial references or slang to depict cannabis unless used in the licensee name or logo; being false or misleading; promoting over/rapid consumption; promoting THC potency; promoting lowered pricing/discounts/or coupons unless part of an environmental sustainability program per Section 128.4(a); claiming curative or therapeutic effects; falsely portraying products as compliant with Cannabis Law; asserting safety of product due to oversight by the Office; depicting individuals under twenty-five (25) using cannabis products or depicts a situation that is attractive to those under the age of twenty-one (21); using “organic,” “craft,” “gluten-free,” “vegan,” or “kosher” unless certain requirements relevant to each term are met; containing obscene or indecent material; being within 500 feet of school grounds and other public places easily accessible to individuals under the age of twenty-one (21); disparaging other cannabis businesses; encouraging illegal transportation of cannabis or other illicit activity; being distributed as handbills in public areas; including medical symbols; using a commercial mascot; including special branding material unless authorized; or permitting use of non-compliant practices by way of a third-party.

§ 129.4 Outdoor Signage.

This section presents the outdoor sign requirements for licensees authorized to conduct retail sales or delivery to consumers. This section establishes the purpose of outdoor signs is for alerting individuals to the location of an adult-use retail dispensary and content is limited to the following: licensee’s name, entity name or doing business as name; dispensary address, phone number, email address, and website; and nature of the business. Licensees are allowed no more than two outdoor signs per licensed premises, and those signs must be affixed to a permanent structure and must not be on a vehicle. Outdoor signs shall be removed if the Office

determines that the outdoor sign violates Cannabis Law or this Part. Licensees may not place signs in facilities including but not limited to sports venues, stadiums, fairs receiving state allocations, and shopping malls (unless alerting individuals to the location of a retail dispensary within that mall), unless otherwise specified as adult-only facilities.

§ 129.5 Adult-Use Marketing and Advertising Violations and Penalties.

A licensee shall remove or discontinue advertisements if the Board determines that the marketing or advertising violates the provisions of Cannabis Law or this Part or if the licensee fails to provide records to the Office upon request that establishes the marketing or advertising meets the requirements of Cannabis Law and this Part, including appropriate action against third-party entities who are out of compliance. Penalties also include but are not limited to, recommendations to the Board for suspension cancellation or revocation of a license as well as imposition of any fees or fines.

§ 129.6 Severability.

This section establishes that if one provision in Part 129 or its application is held invalid, the remainder of Part 129 and its application is not affected.

§ 129.7 Referenced Material.

This section describes the documents incorporated by reference in Part 129.

Revised rule compared with proposed rule: Substantial revisions were made in sections 128.1, 128.3(a), 128.4(d), 128.5, 128.6, 128.7, 128.8, 128.9, 129.2, 129.3, 129.4, 129.5 and 129.6.

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

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

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

Revised Regulatory Impact Statement

Statutory Authority:

Sections 13, 81 and 86 of the Cannabis Law provides, in part, that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. Sections 81 and 86 of the Cannabis Law provides, in part, that the Board is authorized to promulgate rules and regulations governing advertising, branding, marketing, packaging, and labeling, amongst other things, of cannabis products sold or possessed for sale in New York State.

Legislative Objectives:

To protect the health and safety of consumers and help prevent targeting cannabis products to youth.

Needs and Benefits:

The revised rules establish parameters around the packaging, labeling, marketing, and advertising of adult-use cannabis products. Revised rules for packaging, labeling, marketing, and advertising of adult-use cannabis accord with the Cannabis Law and create requirements intended to protect the health and safety of consumers and help prevent targeting cannabis products to youth. These revised rules include minimum standards for retail packaging for adult-use cannabis products requiring, among other things, that adult-use cannabis products be placed in a retail package that is child resistant, tamper-evident, resealable if it contains more than one serving, and include warnings, serving sizes and potency of the cannabis product in a manner easily accessible to potential consumers. Further, the revised regulations outline prohibited practices for packaging, labeling, marketing and advertising strategies that include, but not limited to, being attractive to individuals under the age of twenty-one (21), promoting overconsumption, being in the form of a billboard, or asserting that cannabis or cannabis products are safe because they are regulated by the Office. These regulations also outline the violations and penalties for any infractions of either Part 128 or Part 129.

The revised rule provides the structure and access to adult-use cannabis products in a manner that protects public health and safety and limits the attractiveness to individuals under the age of twenty-one (21), by detailing the necessary cannabis product packaging, labeling, marketing, and advertising guidelines as well as prohibited practices.

Costs:

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

The Office discussed anticipated costs for packaging and labeling with other states who have already implemented and currently oversee existing adult-use cannabis programs. Costs vary significantly and fall primarily on individual licensees, not oversight entities, therefore, other regulators were unable to speak to these costs, however, costs are anticipated to be commensurate with the costs of other consumer goods. The entities that are required to package in accordance with these regulations will be required to obtain packaging that meets the requirements.

Costs to State and Local Governments:

The revised rule does not require local governments to perform any additional tasks and therefore the Office does not anticipate a cost associated to the proposed regulations. The Office anticipates an increased administrative cost to support the ongoing monitoring and compliance for the adult-use cannabis program. Staff will be required to provide oversight and monitoring to ensure all licensees are packaging, labeling, marketing, and advertising in compliance with Parts 128 and 129.

Local Government Mandates:

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

Paperwork:

Part 128 states if a licensee returns a cannabis product to the licensee who transferred the product, the licensee initiating the return must document the return and the reason for the return in a licensee's inventory tracking system.

Any licensee shall maintain records and documentation to establish that its packaging, marketing, labeling and advertising meets the requirements of Parts 128 and 129, such as maintaining a copy of the certificate showing that each retail package is child-resistant, and proof of audience composition for advertisements. A licensee shall accurately and legibly include its name and license number in all advertisements for its products, unless the form of the advertisement has been exempted from this requirement by the Office. Finally, the licensee is required to have an environmental sustainability program which shall require that any licensee who packages products for retail sale shall report key metrics, including but not limited to the total amount of packaging material sold or offered for sale or distributed and the total cost of packaging material.

Duplication:

The revised rule does not duplicate any existing State or federal requirements that are applicable to an adult-use cannabis program.

Alternatives:

When drafting the revised regulations for packaging, labeling, marketing, and advertising, the Office considered the multitude of legislation and regulations that have already been promulgated in other States, including but not limited to, California, Colorado, Maine, Massachusetts, Maine, Michigan, New Jersey, Oregon, and Washington. The revised language is adopted from similar provisions and best practices in other states to best address the needs of New York State including provisions governing the minimum requirements and prohibitions for packaging, labeling, marketing and advertising, which includes, but is not limited to, the definition of 'attractive to individuals under the age of twenty-one', the specifics around outdoor signage, the specific warnings that must be stated for labels and in cannabis marketing, and labeling font size requirements. Similarly, such sources were consulted when addressing comments received during the public comment period to revise the proposed rules accordingly.

Federal Standards:

Federal requirements do not include provisions for an adult-use cannabis program.

Compliance Schedule:

The revised regulations will take effect upon publication of a Notice of Adoption in the New York State Register.

Revised Regulatory Flexibility Analysis**Effect of Rule:**

The revised rules establish parameters around the packaging, labeling, marketing, and advertising of adult-use cannabis products. Revised rules for packaging, labeling, marketing, and advertising of adult-use cannabis accord with the Cannabis Law and create requirements intended to protect the health and safety of consumers and help prevent targeting cannabis products to youth.

These revised rules include minimum standards for retail packaging for adult-use cannabis products requiring, among other things, that adult-use cannabis products be placed in a retail package that is child resistant, tamper-evident, resealable if it contains more than one serving, and include warnings, serving sizes and potency of the cannabis product in a manner easily accessible to potential consumers. Further, the revised regulations outline prohibited practices for packaging, labeling, marketing and advertising strategies that include, but not limited to, being attractive to individuals under the age of twenty-one (21), promoting overconsumption, being in the form of a billboard, or asserting that cannabis or cannabis products are safe because they are regulated by the Office. These regulations also outline the violations and penalties for any infractions of either Part 128 or Part 129.

Compliance Requirements:

All adult-use licensees, even those that fall under the definition of a small business will be required to maintain records and documentation to establish that all advertising and marketing for these adult-use licenses meet the requirements of this revised rule. Furthermore, it is required that licensees provide due diligence to market or advertise to target audiences where 90% of the audience composition is twenty-one (21) and over.

Licensees will have to maintain records on their retail packaging to ensure that they are certified as child-resistant. The Office does not anticipate any additional responsibilities on the part of packaging, labeling, marketing, and advertising required from local governments. Finally, the licensee is required to have an environmental sustainability program which shall require that any licensee who packages products for retail sale shall report key metrics, including but not limited to, the total amount of packaging material sold or offered for sale or distributed and the total cost of packaging material.

Professional Services:

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

Compliance Costs:

The Office discussed anticipated costs for packaging and labeling with other states who have already implemented and currently oversee existing adult-use cannabis programs. Costs vary significantly and fall primarily on individual licensees, not oversight entities, therefore, other regulators were unable to speak to these costs, however, costs are anticipated to be commensurate with the costs of other consumer goods. Eventually, when entities become licensed to cultivate, process, distribute, deliver, or sell cannabis within New York State, there will be costs associated with the packaging, labeling, marketing, and licensing of cannabis products. How great the compliance costs associated with the actual packaging, labeling, marketing, and licensing will depend largely on the amount of adult-use cannabis the adult-use licensee intends to sell and the amount of effort they would place in their marketing. The Office does not anticipate any compliance costs to be attributable to local governments.

Economic and Technological Feasibility:

The revised rulemaking is economically and technologically feasible for small businesses and local government compliance. There will not be additional requirements for compliance for local governments and any adult-use licensee will need to determine how much cannabis or cannabis product they intend to cultivate, process, manufacture, distribute or sell in order to ensure economic and technological feasibility for themselves. The market shall stabilize itself in order to comply with these revised rules.

Minimizing Adverse Impact:

The Office does not anticipate an adverse impact from these revised regulations on small businesses and local governments.

Small Business and Local Government Participation:

The revised rule was developed in response to feedback from multiple organizations, state agencies, advocates, criminal justice entities and cannabis consumers who have provided feedback and suggestions for the implementation of adult-use cannabis in New York State. Specifically, the revised rule was shared with sister agencies such as the Department of Health, the Department of Environmental Conservation, the Department of Agriculture and Markets, and the Office of Addiction Services and Supports. The Office has made presentations to local governments regarding advertising and marketing and have received questions and comments, as well as collaborated with several of them, including New York City, to engage in a statewide Cannabis Campaign where the revised rules were discussed and were used as a guide since they have yet to be promulgated. Additionally, the proposed rules were released for a 60-day public comment period, receiving over 700 comments from a variety of stakeholders, including those from the cannabis industry and elected officials. All comments were assessed and the proposed rules were revised accordingly.

Revised Rural Area Flexibility Analysis**Types and Estimated Numbers of Rural Areas:**

Outside of major cities and metropolitan population centers, most counties in New York State contain rural areas.

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

All reporting, recordkeeping, or other compliance requirements will be limited to the entities who are licensed by the Office of Cannabis Management (Office). All licensees must maintain records and documentation to establish that its packaging, marketing, labeling, and advertising meets the requirements of Parts 128 and 129. A licensee shall accurately and legibly include its name and license number in all advertisements for its products. The Office does not anticipate any new professional services to be required of rural areas.

Costs:

The Office discussed anticipated costs for packaging and labeling with other states who have already implemented and currently oversee existing adult-use cannabis programs. Costs vary significantly and fall on individual licensees, not oversight entities and therefore, other regulators were unable to speak to these costs, costs, however, they are anticipated to be commensurate with the costs of other consumer goods. The entities that are required to package in accordance with these regulations will be required to obtain packaging that meets the requirements.

Minimizing Adverse Impact:

The Office does not anticipate any adverse impact on rural areas with the revised regulations.

Rural Area Participation:

The revised rule was developed in response to feedback from multiple organizations, state agencies, advocates, criminal justice entities and cannabis consumers who have provided feedback and suggestions for the implementation of adult-use cannabis in New York State. Additionally, the proposed rules were released for a 60-day public comment period, receiving over 700 comments from a variety of stakeholders. All comments were assessed and the proposed rules were revised accordingly.

Revised Job Impact Statement

The revised rule will allow for the creation of new jobs to support the activities of entities licensed by the Office of Cannabis Management (Office) as well as other ancillary businesses participating in the marketing, advertising, packaging, and labeling required to make adult-use cannabis accessible while protecting public health and safety. A portion of funds, including revenues pursuant to Article 4 of the Cannabis Law, shall be used to support job placement, job skills services, as well as adult education. This Office has determined that there are no foreseeable adverse impacts on jobs.

Assessment of Public Comment

On June 1, 2022, the Cannabis Control Board proposed a new Part 128 and 129 of Title 9 of the New York Codes, Rules and Regulations for Packaging and Labeling & Marketing and Advertising concerning the packaging, labeling, marketing, and advertising of adult-use cannabis products. Notice of the proposed rulemaking appeared on the Office of Cannabis Management's (the Office) website on June 1, 2022 and in the State Register on June 15, 2022. Public comments were received from June 1 through August 15, 2022. More than 150 individuals and organizations submitted comments on the regulations. Commenters included private citizens, cannabis industry organizations, public health associations, medical associations, environmental groups, broadcasting/media organizations, and other stakeholders.

This summary of the Assessment of Public Comment provides an overview of some comments frequently received during the public comment period and the Office's responses. Overall, many revisions were made to the proposed regulations in response to comments received. The full Assessment of Public Comment provides a response to all comments received during the public comment period and can be viewed on the Office's website at: cannabis.ny.gov/.

Comments were received on the definition of "attractive to individuals under twenty-one." Commenters requested additional clarification on what exact factors, such as the specific colors or specific fonts, would cause packaging, labeling, marketing, and advertising to be attractive to individuals under twenty-one. Although the proposed regulations were not revised as a result of this comment, the Office has issued guidance on its website to further clarify how colors and fonts may make packaging, labeling, advertising, and marketing to be attractive to individuals under twenty-one.

Comments were received on cannabis product packaging prohibitions. Many of these comments were focused on allowing licensees additional flexibility in packaging and labeling cannabis products. Commenters expressed concern that the combined effect of a restriction on the use of pictures, images, or graphics and a restriction on the number of brand elements would be too strict. Commenters worried that these prohibitions would prohibit licensees from differentiating themselves from one another and limit consumer choice. In response to these comments, the proposed regulations were amended. The revised regulations allow licensees additional flexibility to differentiate themselves from one another through use of pictures, images, graphics, and brand elements in cannabis product packaging.

Comments were received on the use of plastic in cannabis product packaging. Commenters expressed a desire to reduce the environmental impact of cannabis product packaging. Commenters, however, suggested a variety of changes to language in the proposed rule that pertained to the use of plastic in a retail package. A consensus was not clear. Some commenters requested additional plastics, such as those from hemp-based sources, be allowed. Other commenters requested fewer plastics be allowed, such as by limiting acceptable plastics to only those made entirely from post-consumer recycled materials. A third, distinct, group of commenters suggested that no plastics be allowed in retail packaging. Additionally, a fourth group of commenters suggested that all "recyclable" plastics be allowed in retail packaging. As a result of these conflicting comments, the amount of post-consumer recycled material that is required to be in a plastic for it to be acceptable was not changed. However, the proposed regulations were revised to remove the word "single-use" and to clarify that restrictions on the use of plastic containing under 25% post-consumer recycled material applies to all cannabis product packaging components, and not just retail packages.

Comments were received on standards for labeling and the amount of information that is required to be on labels. Commenters noted that many

cannabis products are small and expressed a concern that packages would be required to have too much information to make a small package feasible. Commenters requested clarification on how layered labeling would be permitted and requested additional flexibility on where information is located on the package. As a result of these comments, the proposed regulations were revised to allow greater flexibility in where the universal symbol is placed on the package and remove the requirement that the principal packaging display panel have a white background. Revisions to the proposed regulations also clarify what information can be printed on a layered label, such as a peel-and-reseal or expandable label.

Comments were received on provisions that restrict the use of "organic" and "craft" in packaging, labeling, marketing, and advertising. Commenters expressed a desire to use these terms and requested the proposed regulations be revised to let products which are organic or craft be described as such. The proposed regulations have been amended to further clarify when "organic" and "craft" may be used, and to prevent licensees from describing cannabis products as "gluten-free," "vegan," or "kosher" unless they actually are gluten-free, vegan, or kosher.

Comments were received on the requirements for marketing and advertising. Many commenters stated that the proposed regulations did not consider short, audio-only advertisements. Commenters stated that these required statements were too long to easily include in short audio advertisements without "speed read[ing]." Commenters stated that problems reading these statements aloud at the same pace as the rest of the advertisement are exacerbated when combined with rotating warnings and HOPEline information that would also be required by the proposed regulations. The proposed regulations have been amended as a result of these comments to allow greater flexibility in audio-only advertisements.

Comments were received on the requirement that licensees have reliable evidence that 90% of an advertisement's audience would be reasonably expected to be at least twenty-one years of age. Commenters requested the regulations be changed to allow licensees to place advertisements that would be more easily seen by individuals under twenty-one. No changes to the proposed regulations were made. The proposed audience composition requirement is in line with the legislative intent to protect the public health and safety of all New Yorkers and is based upon existing adult-use cannabis marketing and advertising regulations in other states.

Commenters requested clarification on whether licensees could sponsor events. The proposed regulations were amended as a result of this comment to clarify that licensees may sponsor certain events but are limited in if, and how, they can advertise at, or in connection with, such events.

Beyond the changes mentioned in this summary, additional revisions to the proposed regulations were made as a result of more minor comments received. The full Assessment of Public Comment provides a response to all comments received during the public comment period and can be viewed on the Office's website at: cannabis.ny.gov.

REVISED RULE MAKING NO HEARING(S) SCHEDULED

Cannabis Laboratories

I.D. No. OCM-24-22-00014-RP

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

Proposed Action: Addition of Part 130 to Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13, 43, 89, 105 and 129

Subject: Cannabis Laboratories.

Purpose: To protect public health and safety through regulating and permitting laboratories to ensure accurate and reliable results are released by such laboratories and aiding in the determination that final cannabis products accurately reflect potency and meet regulatory limits for contaminants.

Substance of revised rule (Full text is posted at the following State website: cannabis.ny.gov): A new Part 130 is added to Chapter II, of Subtitle B of Title 9 (Executive) of the Official Compilation of Codes, Rules and Regulations of the State of New York, regulating cannabis testing laboratories in New York State to be effective upon publication of a Notice of Adoption in the New York State Register.

§ 130.1 Definitions. Section 130.1 defines terms used in Part 130, including but not limited to: analyte, analyte withdrawal, approved method, cannabis laboratory permit, certificate of analysis, data integrity training, laboratory regulatory audit, lead technical director, permit year, phytocannabinoid, proficiency test (PT), PT provider, PT provider accreditor, quality assurance officer, quality system, state reference laboratory, and technical director; as a result of public comments, amendments

were made to PT provider and state reference laboratory and anew definition of true party of interest was added.

§ 130.2 Cannabis Laboratory Permit Application. Establishes a process under the Office of Cannabis Management (Office) for a cannabis laboratory to apply for a permit which includes the minimum requirements necessary to fill out an application to be authorized as a cannabis laboratory, including but not limited to requirements regarding required information submissions, analyte approvals, performance on proficiency test and proficiency test sample, quality documentation, facility requirements and withdrawal of an application. Amended to authorize laboratories certified by the Department of Health as provisional permittees.

§ 130.3 Cannabis Laboratory Fees. Establishes a process under the Office whereby a cannabis laboratory seeking a permit shall pay a non-refundable application fee of \$1,000 and an annual permit fee based on its gross annual receipts, which this regulation establishes minimum criteria to calculate based on varying permitting scenarios. The permit year is April 1 – March 31.

§ 130.4 Cannabis Laboratory Permit Renewal Application. Establishes a process under the Office for a cannabis laboratory to renew its permit annually, including timeframes for renewals. A cannabis laboratory will need to pay a non-refundable application fee of \$1,000 as part of the renewal process.

§ 130.5 Cannabis Laboratory Permit Issuance. Establishes a process under the Office for a cannabis laboratory to receive a provisional permit and full cannabis laboratory permit. This section lists the requirements that a laboratory shall have, including ISO 17025 ISO/IEC 17025 accreditation; qualified technical staff; an acceptable proficiency test history; and paid all applicable fees. In addition to meeting the requirements for a provisional permit, a laboratory shall have successfully completed a laboratory regulatory audit performed by the Office of Cannabis Management.

§ 130.6 Cannabis Laboratory Permit or Renewal Denial. Establishes a process under the Office for a cannabis laboratory's permit to be denied. This section also lists several reasons as to why a cannabis laboratory's permit may be denied, including, but not limited to, failure to submit a completed application; failure to pay an application fee; failure of laboratory staff to meet the personnel qualifications of education, training, and experience; and failure to successfully analyze and report proficiency test results.

§ 130.7 General Cannabis Laboratory Requirements. Establishes a process under the Office whereby a cannabis laboratory maintains a permit, which includes a lists of requirements that a laboratory shall have, including, but not limited to: ISO 17025 ISO/IEC 17025 accreditation; qualified technical staff; a periodic laboratory regulatory audit performed by the Office; completed proficiency tests; and no interest in a registered organization, adult-use cultivator, processor, distributor, retail dispensary, cooperative, microbusiness, delivery, nursery, on-site consumption, registered organization cultivator processor distributor retail dispensary, registered organization cultivator processor distributor, cannabinoid hemp processor, any other license pursuant to the Cannabis Law; and, is located in New York State, until such time interstate commerce of cannabis is permissible. Amendments were made to include parameters surrounding cannabis laboratory ownership interests, authorization for additional temporary emergency measures to address laboratory capacity as needed, and to test samples in the order in which they were received.

§ 130.8 Required Proficiency Testing. Establishes a process under the Office requiring a potential or permitted cannabis laboratory to participate in proficiency testing, which includes but is not limited to: submitting reports directly to the proficiency testing provider, receiving testing results, obtain and maintain approval for given analytes or groups of analytes; supplemental proficiency tests; and supplying proficiency test scores. Amendments were made that required a list of proficiency test providers and analytes to be proficiency tested available on the Office's website and authorizing unscheduled proficiency tests to serve as a supplemental proficiency tests, and to clarify timeframe requirements for satisfactory proficiency tests.

§ 130.9 Unsatisfactory Proficiency Test Performance. Provides a list of the reasons why a cannabis laboratory's approval for an analyte or group of analytes may be unapproved, which include failing two (2) out of three (3) most recent proficiency tests attempted for a particular analyte or group of analytes; or failing to provide a corrective action report to the Office within thirty (30) calendar days of a request for a corrective action report from the Office. This section also provides the conditions that a cannabis laboratory must meet to regain approval for an analyte or group of analytes. A cannabis laboratory shall re-establish a proficiency test history of two (2) successful proficiency test results out of the three (3) most recent attempts for an analyte or group of analytes tested. Amendments were made to update the timeframes for laboratories to submit a written plan of correction to within 30 days of the laboratory regulatory audit.

§ 130.10 Laboratory Regulatory Audit. Establishes the requirements for a cannabis laboratory to be periodically audited as well as audited to ISO

17025 ISO/IEC 17025 accreditation by a laboratory accreditation authority approved by the Office and contains the required process for a cannabis laboratory to respond to any findings as a result of laboratory regulatory audit by the Office.

§ 130.11 General Cannabis Personnel Qualification. Lists requirements for personnel employed by cannabis laboratories, including minimum age requirements, establishment of an employee training program and implementation of data integrity training for each employee of the cannabis laboratory. Clarifying language was included that this section that applies to cannabis laboratory personnel and that the laboratory must comply with all applicable laws and regulations, which include health and safety, hazardous materials and handling hazardous materials.

§ 130.12 Cannabis Technical Director Qualifications. Provides the minimum educational and experience requirements for a cannabis laboratory technical director and includes an exemption for an individual who meets the experience requirements but not the educational and/or credential requirements of this Part. Clarifying language was included that an individual without the educational requirements but has been functioning as a technical director before Part 130 regulations are adopted can qualify as a technical director for the cannabis laboratory.

§ 130.13 Cannabis Quality Assurance Officer Qualifications. Provides the minimum educational and experience requirements for a quality assurance officer of a cannabis laboratory and includes the duties and responsibilities of a quality assurance officer.

§ 130.14 Cannabis Laboratory Technician Qualifications. Provides the minimum educational and experience requirements for a cannabis laboratory technician and was amended to reduce the experience timeframe for laboratory technicians to 6 months.

§ 130.15 Approval of Laboratory-Developed Methods. Details the data and information that shall be submitted by a cannabis laboratory seeking approval for use of a laboratory-developed method as an alternative to using a currently approved method and the process the Office takes to respond or deny a request for method approval, including conducting an independent review of any approved method to substantiate or refute its technical merit.

§ 130.16 Laboratory Sampling Firm Approval. Establishes the requirements under the Office of Cannabis Management whereby a laboratory sampling firm obtains approval, which is granted for a two-year period as well as rules regarding conditional approval.

§ 130.17 Laboratory Sampling Firm Fee. Requires a laboratory sampling firm seeking approval to pay a non-refundable application fee of \$500 and a two-year approval fee of \$1,000.00, creating grounds for non-renewal if the laboratory sampling firm fails to pay the appropriate fee.

§ 130.18 Laboratory Sampling Firm Reapproval. Establishes the requirement under the Office of Cannabis Management whereby a laboratory sampling firm is reapproved for another two-year term, including rules on submitting a reapproval application and associated fees.

§ 130.19 Laboratory Sampling Firm Requirements. Establishes the requirements under the Office that shall be met by a laboratory sampling firm, including sampling and transportation, safety and security of samples being collected and transported, and having a shipping manifest accompany all samples collected and transported.

§ 130.20 Cannabis Sampling Technician Qualifications. Provides the minimum educational and experience requirements for sampling technicians.

§ 130.21 Sampling of Cannabis Product and Medical Cannabis. Establishes the requirements under the Office for a laboratory sampling firm to collect representative medical or adult-use cannabis samples using an acceptable process to collect and transport the sample safely and securely with assurance of impartiality, including but not limited to, the physical presence of the requesting licensee to observe sampling firm obtaining the sample, video-recording of the sampling including batch number, and paperwork associated with once the sample has been selected.

§ 130.22 Testing of Cannabis Product and Medical Cannabis. Establishes the required analytes to be tested and their respective limits under the Office, including a requirement that each laboratory technician shall complete a demonstration of capability as well as the use of analyte or groups of analytes for testing phytocannabinoid profiles. This was amended to clarify that testing includes analytes in addition to contaminants.

§ 130.23 Certificates of Analysis. Establishes a time frame for a cannabis laboratory to report results of sample testing to the Office, as well as lists the information that shall be included on a certificate of analysis issued by a cannabis laboratory to a cannabis licensee and the Office, including, but not limited to: a title, the name of the cannabis laboratory, a contact person and contact information; permit identifier; description of the sample tested; and the methods used.

§ 130.24 Cannabis Shipping Manifest. Establishes the requirements under the Office for a laboratory sampling firm to ensure any collected and transported samples are accurately reflected on a shipping manifest and

any discrepancies are acted on between sampling at the licensee and transport to the laboratory.

§ 130.25 Sample Chain of Custody. Establishes a process for a chain of custody procedure and lists the information that shall be included on chain of custody, including, but not limited to: the name of the cannabis laboratory, a contact person and contact information; permit identifier; description of the sample tested; sampling and transportation conditions; information about the licensee requesting the sampling; and change of custody information.

§ 130.26 Record Retention. Establishes the retention of certain records for a cannabis laboratory and a laboratory sampling firm to be a minimum of five (5) years, including but not limited to: sample information; procedures regarding personnel; quality manuals; internal audits; management review and purchasing records. This was amended to clarify record retention requirements to include current, previous, and archived versions of the requested records, electronically or in hardcopy.

§ 130.27 Security, Safety and Storage of Cannabis. Provides the security, safety and storage requirements that shall be met by a cannabis laboratory.

§ 130.28 State Reference Lab. Establishes the use of a state reference laboratory to provide the Office with support for tasks such as compliance and enforcement related testing, as well as method development.

§ 130.29 Summary Suspension, Suspension, Cancellation and Revocation. Establishes the administrative actions that may be taken on a cannabis laboratory when it fails to meet the cannabis laboratory requirements specified in Part 130. This was amended to remove specificity regarding findings by a municipality as grounds for revocation.

§ 130.30 Severability. Added to provide for the independent treatment of one provision to another such that in the event any provision or its application is found to be invalid the remaining provisions continue to be valid.

Revised rule compared with proposed rule: Substantial revisions were made in sections 130.1(p), (u), (w), 130.7(b), (e), (j), (k), 130.8(g), (j), (h), 130.10(f), 130.11, 130.12(i), 130.14(b), 130.19, 130.22(c), 130.26 and 130.29(c)(3)(ix).

Text of revised proposed rule and any required statements and analyses may be obtained from Diana Yang, Office of Cannabis Management, 1220 Washington Avenue, Albany, NY 12227, (888) 626-5151, email: regulations@ocm.ny.gov

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

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

Revised Regulatory Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published RIS.

Revised Regulatory Flexibility Analysis

Changes made to the last published rule do not necessitate revision to the previously published RFA.

Revised Rural Area Flexibility Analysis

Changes made to the last published rule do not necessitate revision to the previously published RAFA.

Revised Job Impact Statement

Changes made to the last published rule do not necessitate revision to the previously published JIS.

Assessment of Public Comment

On June 1, 2022, the Cannabis Control Board proposed a new Part 130 of Title 9 of the New York Codes, Rules and Regulations establishing parameters around cannabis laboratories to regulate, control and permit laboratories analyzing adult-use and medical cannabis, while ensuring accurate and reliable results are released by such laboratories and released final cannabis products meet regulatory limits for contaminants and protecting public health and safety when consuming such final cannabis products.

Notice of the proposed rulemaking appeared on the Office of Cannabis Management's (the Office) website on June 1st, 2022 and in the State Register on June 15th, 2022. Public comments were received from June 1st through August 15th, 2022. There were 52 comments that were submitted from 15 unique commenters on the regulations. Commenters included laboratories, industry stakeholders, city and state regulatory agencies, tribal nations, and New York State residents.

This summary of the Assessment of Public Comment provides an overview of some comments frequently received during the public comment period and the Office's responses. Overall, some revisions were made to the proposed regulations in response to comments received. The full Assessment of Public Comment provides a response to all comments received during the public comment period and can be viewed on the Office's website at: cannabis.ny.gov/.

Comments were received seeking clarification regarding having Tribal Nations' cannabis products tested by independent cannabis laboratories permitted by the Office and to include Tribal Nations under requirements for laboratory sampling firms. The Office will evaluate this comment further when tribal-state compacts are established to provide the framework for a clearer regulatory process.

Comments were received requesting that the State Reference Laboratory duties include analysis of samples under investigation collected directly from inspections and investigations. Some commenters went on to say that the original definition did not include "investigation duties" and asked that method review, and laboratory investigations be included. In response, the Office changed the definition of state reference laboratory to include, but not be limited to, reviewing and retesting samples and investigational support. The Office also indicated that these concerns will be included as part of a memorandum of understanding or contract with a state reference laboratory.

Comments were received regarding clarification of what the permit and renewal fee frequency was. The Office made clarifying changes to the regulations which made it clear what the fees were and that the renewal period is annually.

Commenters requested clarification on the audit process and time frames for responding to an audit report. A technical change was made to clarify the frequency of the correction action report and that the Office will audit the cannabis laboratory on a routine basis and as needed to ensure that the laboratory has an ISO/IEC 17025 audit as part of the permit application process and at the time of renewal.

A commenter expressed their concern that the New York Medical Cannabis Program does not test for terpene levels or does not disclose terpene levels to patients. The commenter did not feel that consumers could make informed decisions or avoid costly mistakes without testing or disclosing terpene or terpene levels adding that terpene panels re available in all cannabis testing facilities and are disclosed in nearly every other state program. As a result of this comment, the regulations were amended to add terpenes to the definition of phytocannabinoid to include terpenes and then requiring that phytocannabinoids be tested and reported.

A commenter expressed the opinion that the Office needs to provide a list of approved ISO/IEC 17025 laboratory accrediting bodies and accrediting types. As a result of this concern, the Office will post a list of ISO/IEC 17025 laboratory accreditation bodies on the Office's website in the near future. The accreditation type will be for quality systems only. A laboratory can choose to have additional accreditation types to help them meet sampling and testing activities.

A comment was received regarding a concern with revoking a laboratory as a result of a finding by a municipality that a cannabis laboratory has violated a local ordinance related to 'reporting of results for analysis of such samples.' The commenter went on to say that the municipality does not have the expertise to investigate the 'reporting of results for analysis of such samples' and could issue new ordinances to drive out a testing laboratory. The regulation was revised to remove specificity regarding findings by a municipality as grounds for revocation so that findings aren't limited to sampling, transportation and analysis.

Beyond the changes mentioned in this summary, additional technical revisions were made to the proposed regulations as a result of some minor comments received. The full Assessment of Public Comment provides a response to all comments received during the public comment period and can be viewed on the Office's website at: cannabis.ny.gov.

Office of Children and Family Services

NOTICE OF ADOPTION

Limits on Executive Compensation

I.D. No. CFS-33-22-00003-A

Filing No. 973

Filing Date: 2022-11-29

Effective Date: 2022-12-14

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

Action taken: Repeal of Subpart 166-5 of Title 9 NYCRR; repeal of Part 409 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d) and 34(3)(f)(1)

Subject: Limits on Executive Compensation.

Purpose: To remove the limits on executive compensation and administrative expenses.

Text or summary was published in the August 17, 2022 issue of the Register, I.D. No. CFS-33-22-00003-P.

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

Revised rule making(s) were previously published in the State Register on September 7, 2022.

Text of rule and any required statements and analyses may be obtained from: Lisa Vasnani, Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144, (518) 474-8310, email: regcomments@ocfs.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Division of Criminal Justice Services

ERRATUM

A Notice of Proposed Rule Making, I.D. no. CJS-47-22-00002-P, published in the November 23, 2022 issue of the *State Register* inadvertently contained the incorrect Subject and Statutory Authority. The correct headings are as follows:

Statutory authority: Executive Law, section 243(1); Family Court Act, art. 7

Subject: Intake for Article 7 (PINS)

NOTICE OF ADOPTION

NYS Forensic Laboratory Accreditation Standards

I.D. No. CJS-32-22-00028-A

Filing No. 974

Filing Date: 2022-11-29

Effective Date: 2022-12-14

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

Action taken: Amendment of section 6190.1(a)(7) of Title 9 NYCRR.

Statutory authority: Executive Law, sections 837(13), 995-b(1) and 995-c(1)

Subject: NYS Forensic Laboratory Accreditation Standards.

Purpose: To add ISO/IEC 17020 as a standard.

Text or summary was published in the August 10, 2022 issue of the Register, I.D. No. CJS-32-22-00028-P.

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

Text of rule and any required statements and analyses may be obtained from: Natasha Harvin-Locklear, NYS Division of Criminal Justice Services, Alfred E. Smith Building, 80 South Swan Street, (518) 457-8413, email: dcjslegalrulemaking@dcjs.ny.gov

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

Department of Environmental Conservation

NOTICE OF ADOPTION

Regulations Governing the Recreational and Commercial Shortfin Mako Fisheries

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

Filing No. 970

Filing Date: 2022-11-28

Effective Date: 2022-12-14

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

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

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

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

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

Text or summary was published in the August 10, 2022 issue of the Register, I.D. No. ENV-32-22-00026-EP.

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

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

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

Initial Review of Rule

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

Assessment of Public Comment

The agency received no public comment.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Lottery Courier Service Advertising

I.D. No. SGC-50-22-00008-P

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

Proposed Action: Amendment of section 5014.17 of Title 9 NYCRR.

Statutory authority: Tax Law, sections 1601, 1604, 1605, 1607, 1609; Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Lottery courier service advertising.

Purpose: To regulate advertising by lottery courier services in order to protect consumers.

Text of proposed rule: New subdivisions (e), (f) and (g) would be added to section 5014.17 of 9 NYCRR, to read as follows:

§ 5014.17. Advertising and marketing.

* * *

(e) Advertising restrictions.

(1) Definitions. As used in this subdivision:

(i) advertisement means any notice or communication to the public or any information or statement concerning the lottery or courier-service-related business presented through telecasting, publication or any other means of dissemination, including electronic dissemination. Social media, promotional activities content on the courier-service platform, targeted communication such as newsletters and alerts, press releases, and statements made about the lottery or courier-service-related business are considered advertisements for purposes of this subdivision; and

(ii) direct advertisement means any advertisement as described in subparagraph (i) of this paragraph that is disseminated to a specific individual or individuals.

(2) Any advertisement for a courier service shall be submitted to the commission in draft form for review at least 15 days prior to publication or other dissemination. If the commission determines, in the commission's discretion, that such draft does not comply with this subdivision, the commission may so notify such courier service, within 10 days of submission of the draft, and such courier service then is not permitted to publish or otherwise disseminate such advertisement. The commission may authorize continual use of a particular advertising template (e.g., a form of jackpot announcement).

(3) Advertising shall be based upon fact and shall not be false, deceptive or misleading.

(4) Advertisements shall comply with the advertising guidelines issued by the North American Association of State and Provincial Lotteries (approved March 19, 1999), 7757 Auburn Rd. Unit #7, Concord, OH 44077, which is hereby incorporated by reference. Such advertising guidelines are available for public inspection at the New York State Gaming Commission located at One Broadway Center, Suite 500, Schenectady, NY 12305 and at the Department of State, 99 Washington Avenue, Albany, NY 12210.

(5) No advertising by or on behalf of a lottery courier service licensee shall:

(i) use any type, size, location, lighting, illustration, graphic depiction or color resulting in the obscuring of any material fact;

(ii) fail to clearly and conspicuously specify and state any material conditions or limiting factors;

(iii) depict any person under the age of 18 engaging in lottery and related activities;

(iv) contain content that contradicts contest guidelines or terms and conditions of the courier service site; or

(v) conflict with New York Lottery brand messaging, as determined in the commission's discretion.

(6) Each advertisement shall, clearly and conspicuously, contain a problem gambling assistance message comparable to one of the following:

(i) If you or someone you know has a gambling problem, help is available. Call the HOPEline at 1-877-8-HOPENY (1-877-846-7369) or text HOPENY (467369);

(ii) Gambling Problem? Call 1-877-8-HOPENY (1-877-846-7369) or text HOPENY (467369); or

(iii) any other message approved in writing by the commission.

(7) Each direct advertisement shall, clearly and conspicuously, describe a method or methods by which an individual may notify the courier service that the individual does not wish to receive any future direct advertisement.

(i) The described methods must include at least two of the following:

(a) telephone;

(b) regular U.S. mail; or

(c) electronic mail.

(ii) Upon receipt of an individual's request to discontinue receipt of future direct advertisements, a courier service shall block the individual in the courier service's database so as to prevent the individual from receiving future direct advertisements, with such block to take effect within 15 days of the courier service's receipt of the individual's request.

(8) Each courier service shall provide to the commission at its main office a complete and accurate copy of all advertisements within five business days of the advertisement's public dissemination. Courier services shall discontinue the public dissemination upon receipt of notice from the commission to discontinue an advertisement.

(9) A courier service shall maintain a complete record of all of its advertisements for a period of at least two years. Records shall be made available to the commission upon request.

(10) A courier service shall prevent self-excluded customers and self-excluded former customers from receiving direct advertisements.

(f) Marketing restrictions.

(1) A courier service shall not market nor advertise such courier ser-

vice's platform as providing an opportunity to "play" lottery games or "buy" lottery tickets directly from the courier service through such platform. A courier service may market or advertise services such as the procurement or delivery of a lottery ticket, for example, referring to itself as a "digital lottery courier." A courier service shall not market services as "digital lottery."

(2) A courier service shall not use misleading embedded keywords or similar methods in its platform to:

(i) attract minors, self-excluded persons or persons who are or may be problem gamblers; or

(ii) accomplish any other misleading or deceptive purpose.

(g) Directive to cease use. The commission may direct a courier service to cease using any advertisement that does not comply with either or both of subdivisions (e) or (f) of this section. Any such directive, and any violation issued for failure to comply with such directive, may be in addition to any other sanction the commission may impose pursuant to applicable law for a violation or violations.

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

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

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

Additional matter required by statute: Advertising guidelines issued by the North American Association of State and Provincial Lotteries (approved March 19, 1999).

Regulatory Impact Statement

1. STATUTORY AUTHORITY: The New York State Gaming Commission ("Commission") is authorized to promulgate this rule by Tax Law Sections 1601, 1604, 1605, 1607 and 1609, and Racing, Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1) and (19).

Tax Law Section 1601 describes the purpose of the New York State Lottery for Education Law (Tax Law Article 34) as being to establish a lottery operated by the State, the net proceeds of which are applied exclusively to aid to education. Tax Law Section 1604 authorizes the promulgation of rules governing the establishment and operation of such lottery. Tax Law Section 1605 authorizes the licensing of lottery sales agents and lottery vendors and sets forth criteria for licensing, while Tax Law Section 1607 establishes that a lottery license may be suspended or revoked. Tax Law Section 1609 provides that no ticket shall be sold by any person other than a licensed lottery sales agent.

Racing Law Section 103(2) provides that the Commission is responsible to operate and administer the state lottery for education, as prescribed by Article 34 of the Tax Law. Racing Law Section 104(1) provides the Commission with general jurisdiction over all gaming activities within the State and over any person, corporation or association engaged in such activities. Racing Law Section 104(19) authorizes the Commission to promulgate any rules it deems necessary to carry out its responsibilities.

2. LEGISLATIVE OBJECTIVES: To regulate advertising by lottery courier services in order to protect customers.

3. NEEDS AND BENEFITS: The proposed rulemaking will amend regulations governing advertising by lottery courier services to prevent false, deceptive or misleading advertising, such as stating or implying that a customer may "play" the lottery through the courier service's platform or purchase a lottery ticket directly from the courier service. There have been instances of a lottery courier service using marketing such as "play the lottery on your phone," "easy to play," "play from your phone," "digital lottery" and "win the lottery from your couch" in connection with its courier service application. With this rulemaking, a courier service, instead, may market its actual services: fulfilling orders for the purchase of a lottery ticket from a licensed lottery sales agent and delivering tickets to the customer. In addition, the proposed rule would require problem gambling assistance messaging, similar to advertising requirements for casinos. A courier service would be required to submit draft advertisements to the Commission at least 15 days prior to publication or other dissemination, and Commission staff would have 10 days to determine whether the draft complies with the regulations and, if the draft does not, prohibit publication or dissemination of the proposed advertisement.

4. COSTS:

a. Costs to regulated parties for the implementation and continuing compliance with the rule: There are no costs to the regulated parties or stakeholders.

b. Costs to the regulated agency, the State, and local governments for the implementation and continuation of the rule: No additional operating costs are anticipated. The Commission can administer this using existing resources.

5. LOCAL GOVERNMENT MANDATES: The proposed rulemaking does not impose any new programs, services, duties or responsibilities upon any country, city, town, village school district, fire district or other special district.

6. PAPERWORK: Licensed lottery courier services would need to submit their advertisements for approval, keep a record of advertisements and keep records of those customers who might request to not receive courier service advertisements.

7. DUPLICATION: There are no relevant State programs or regulations that duplicate, overlap or conflict with the proposed rulemaking.

8. ALTERNATIVES: The alternative of not proposing amendments to regulations governing advertising by lottery couriers was considered and rejected. This proposed rulemaking would prevent false, deceptive or misleading advertising.

9. FEDERAL STANDARDS: The proposed rule does not exceed any minimum standards imposed by the federal government.

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

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

The proposed rulemaking will not have any adverse impact on small businesses, local governments, jobs or rural areas. The proposed rulemaking would govern advertising by lottery courier services to prevent false, deceptive or misleading advertising, such as stating or implying that a customer may “play” the lottery through the courier service’s platform or purchase a lottery ticket directly from the courier service.

The proposed rulemaking does not impact local governments and will not have an adverse impact on small businesses.

The proposed rulemaking imposes no adverse impact on rural areas. The rule applies uniformly throughout the state.

The proposed rulemaking will have no adverse impact on job opportunities.

The proposed rulemaking will not adversely impact small businesses, local governments, jobs or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required and have not been prepared.

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

Purchase Location Requirements for Lottery Courier Services

I.D. No. SGC-50-22-00009-P

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

Proposed Action: Amendment of section 5014.7 of Title 9 NYCRR.

Statutory authority: Tax Law, sections 1601, 1604, 1605, 1607, 1609; Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

Subject: Purchase location requirements for lottery courier services.

Purpose: To facilitate the proper sale of lottery tickets to generate revenue for education.

Text of proposed rule: Subdivision (a) of section 5014.7 of 9 NYCRR would be amended to read as follows:

§ 5014.7. Requirements for network.

(a) Location of courier customers within the State. A network shall employ a method of restricting requests for courier services to only those made by courier customers physically located in the State of New York at the time of purchase of courier services. *A purchase of courier services within the meaning of this subdivision occurs when the customer requests delivery of a particular lottery ticket or tickets from the courier service and when the customer initiates the transfer of funds to the courier service in connection with such ticket or tickets, both of which must occur while the courier customer is physically located in the State of New York. A courier service may not accept a delivery request from a customer physically located outside of the State at the time of the request. A courier service may not accept the transfer of funds from, by or on behalf of a courier customer who is physically located outside of the State at the time such customer initiates the transfer.*

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

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

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

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: The New York State Gaming Commission (“Commission”) is authorized to promulgate this rule by Tax Law Sections 1601, 1604, 1605, 1607 and 1609, and Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) Sections 103(2) and 104(1) and (19).

Tax Law Section 1601 describes the purpose of the New York State Lottery for Education Law (Tax Law Article 34) as being to establish a lottery operated by the State, the net proceeds of which are applied exclusively to aid to education. Tax Law Section 1604 authorizes the promulgation of rules governing the establishment and operation of such lottery. Tax Law Section 1605 authorizes the licensing of lottery sales agents and lottery vendors and sets forth criteria for licensing, while Tax Law Section 1607 establishes that a lottery license may be suspended or revoked. Tax Law Section 1609 provides that no ticket shall be sold by any person other than a licensed lottery sales agent.

Racing Law Section 103(2) provides that the Commission is responsible to operate and administer the state lottery for education, as prescribed by Article 34 of the Tax Law. Racing Law Section 104(1) provides the Commission with general jurisdiction over all gaming activities within the State and over any person, corporation or association engaged in such activities. Racing Law Section 104(19) authorizes the Commission to promulgate any rules it deems necessary to carry out its responsibilities.

2. LEGISLATIVE OBJECTIVES: To clarify the lottery courier-service-purchase-location requirements.

3. NEEDS AND BENEFITS: The proposed rulemaking will clarify the requirements for customer presence in New York State. A licensed lottery courier service is permitted to accept orders to purchase New York lottery tickets on behalf of a courier customer. The courier service then fulfills a request by purchasing the ticket at a licensed lottery sales agent retail location on behalf of the courier customer. Federal law prevents the sale of lottery tickets across state borders. Existing regulations require a courier service to geolocate its customer as being physically in New York at the time of the purchase of courier services. The proposed amendment would clarify the courier-service-purchase-location requirement by providing that the purchase of courier services occurs when the customer requests the delivery of a ticket or tickets and when the customer initiates the transfer of funds to the courier service in connection with the purchase. Thus, a customer would not be permitted to place an order for multiple tickets while in the State without funding the purchase, then fund all or a portion of the purchase remotely while out of the State.

4. COSTS:

a. Costs to regulated parties for the implementation and continuing compliance with the rule: There are no costs to the regulated parties or stakeholders.

b. Costs to the regulated agency, the State, and local governments for the implementation and continuation of the rule: No additional operating costs are anticipated. The Commission can administer this using existing resources.

5. LOCAL GOVERNMENT MANDATES: The proposed rulemaking does not impose any new programs, services, duties or responsibilities upon any country, city, town, village school district, fire district or other special district.

6. PAPERWORK: There are no changes in paperwork requirements. Licensed lottery courier services will continue to use the existing system and procedures.

7. DUPLICATION: There are no relevant State programs or regulations that duplicate, overlap or conflict with the proposed rulemaking.

8. ALTERNATIVES: The alternative of not proposing amendments to the regulations governing lottery courier-service-purchase-location requirements was considered and rejected. This proposed rulemaking would help clarify the requirements for a customer to be present in New York State when the customer requests the delivery of a ticket or tickets and when the customer initiates the transfer of funds to the courier service in connection with the purchase.

9. FEDERAL STANDARDS: The proposed rule does not exceed any minimum standards imposed by the federal government.

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

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

The proposed rulemaking will not have any adverse impact on small businesses, local governments, jobs or rural areas. The proposed rulemaking would amend regulations governing the purchase of lottery courier services. The amendment would clarify the requirements for customer presence in New York State.

The proposed rulemaking does not impact local governments and will not have an adverse impact on small businesses.

The proposed rulemaking imposes no adverse impact on rural areas. The rule applies uniformly throughout the state.

The proposed rulemaking will have no adverse impact on job opportunities.

The proposed rulemaking will not adversely impact small businesses, local governments, jobs or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement are not required and have not been prepared.

Department of Health

NOTICE OF ADOPTION

Surge and Flex Health Coordination System

I.D. No. HLT-07-22-00011-A

Filing No. 961

Filing Date: 2022-11-23

Effective Date: 2022-12-14

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

Action taken: Addition of sections 1.2, 700.5, Part 360; amendment of sections 400.1, 405.24 and 1001.6 of Title 10 NYCRR; amendment of sections 487.3, 488.3 and 490.3 of Title 18 NYCRR.

Statutory authority: Public Health Law, sections 225, 576, 2800, 2803, 4662; Social Services Law, section 461

Subject: Surge and Flex Health Coordination System.

Purpose: Provides authority to the Commissioner to direct certain actions and waive certain regulations in an emergency.

Substance of final rule: Although the Governor retains authority to issue Executive Orders to temporarily suspend or modify regulations pursuant to the Executive Law, these proposed regulatory amendments would provide an expedient and coherent plan to implement quickly the relevant temporary suspensions or modifications. The proposed regulatory amendments would permit the State Commissioner of Health or designee to take specific actions, as well as to temporarily suspend or modify certain regulatory provisions (or parts thereof) in Titles 10 and 18 of the NYCRR during a state disaster emergency, where such provisions are not required by statute or federal law. These proposed amendments would also permit the Commissioner to take certain actions, where consistent with any Executive Order (EO) issued by the Governor during a declared state disaster emergency. Examples include issuing directives to authorize and require clinical laboratories or hospitals to take certain actions consistent with any such EOs, as well as the temporary suspension or modification of additional regulatory provisions when the Governor temporarily suspends or modifies a controlling state statute.

The proposed regulatory amendments would also require hospitals to: develop disaster emergency response plans; maintain a 60-day supply of personal protective equipment (PPE); ensure that staff capable of working remotely are equipped and trained to do so; and report data as requested by the Commissioner.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 360.1(a), (b) and 400.1(b).

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

Revised Regulatory Impact Statement

Statutory Authority:

The authority for the promulgation of these regulations with respect to facilities subject to Article 28 of the Public Health Law (PHL) is contained in PHL sections 2800 and 2803(2). PHL Article 28 (Hospitals), section 2800, specifies: "Hospital and related services including health-related service of the highest quality, efficiently provided and properly utilized at a reasonable cost, are of vital concern to the public health. In order to provide for the protection and promotion of the health of the inhabitants of the state, pursuant to section three of article seventeen of the constitution, the department of health shall have the central, comprehensive responsibility for the development and administration of the state's policy with respect to hospital and related services, and all public and private institu-

tions, whether state, county, municipal, incorporated or not incorporated, serving principally as facilities for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition or for the rendering of health-related service shall be subject to the provisions of this article." PHL section 2801 defines the term "hospital" as also including residential health care facilities (nursing homes) and diagnostic and treatment centers (D&TCs). PHL section 2803 (2) authorizes PHHPC to adopt and amend rules and regulations, subject to the approval of the Commissioner, to implement the purposes and provisions of PHL Article 28, and to establish minimum standards governing the operation of such health care facilities.

PHL section 4662 authorizes the Commissioner to issue regulations governing assisted living residences. Social Services Law (SSL) section 461(1) authorizes the Commissioner to promulgate regulations establishing standards applicable to adult care facilities. PHL section 576 authorizes the Commissioner to regulate clinical laboratories.

PHL section 225 authorizes the Public Health and Health Planning Council (PHHPC) and the Commissioner to establish and amend the State Sanitary Code (SSC) provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York.

Upon the future declaration of any disaster emergency, any further authorization by the Governor pursuant to article 2-B of the Executive Law, if it should suspend any statutes which otherwise conflict with these regulations, will establish the immediate effectiveness of these provisions.

Legislative Objectives:

The objectives of PHL Article 28 include protecting the health of New York State residents by ensuring that they have access to safe, high-quality health services in medical facilities, while also protecting the health and safety of healthcare workers. Similarly, PHL Articles 36 and 40 ensure that the Department has the tools needed to achieve these goals in the home care and hospice spaces, and PHL section 4662 and SSL section 461 likewise ensure that the Department has appropriate regulatory authority with respect to assisted living residences and adult care facilities. PHL section 576 ensures that the Commissioner has appropriate regulatory authority over clinical laboratories. Finally, PHL section 225 ensures that the State Sanitary Code includes appropriate regulations in the areas of communicable disease control and environmental health, among others.

By permitting the Commissioner to temporarily suspend or modify regulatory provisions in each these areas, where not required by state statute or federal law, or where authorized by a gubernatorial Executive Order, these amendments provide crucial flexibility for this and future emergency response efforts.

Needs and Benefits:

During a state disaster emergency, Section 29-a of the Executive Law permits the Governor to, among other things, "temporarily suspend specific provisions of any statute, local law, ordinance, or orders, rules or regulations, or parts thereof, of any agency during a state disaster emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the disaster."

Although the Governor retains authority to issue Executive Orders to temporarily suspend or modify regulations pursuant to the Executive Law, these proposed regulatory amendments would provide an expedient and coherent plan to implement quickly the relevant temporary suspensions or modifications. The proposed regulatory amendments would permit the State Commissioner of Health or designee to take specific actions, as well as to temporarily suspend or modify certain regulatory provisions (or parts thereof) in Titles 10 and 18 of the NYCRR during a state disaster emergency, where such provisions are not required by statute or federal law. These proposed amendments would also permit the Commissioner to take certain actions, where consistent with any Executive Order (EO) issued by the Governor during a declared state disaster emergency. Examples include issuing directives to authorize and require clinical laboratories or hospitals to take certain actions consistent with any such EOs, as well as the temporary suspension or modification of additional regulatory provisions when the Governor temporarily suspends or modifies a controlling state statute.

The proposed regulatory amendments would also require hospitals to: develop disaster emergency response plans; maintain a 60-day supply of personal protective equipment (PPE); ensure that staff capable of working remotely are equipped and trained to do so; and report data as requested by the Commissioner.

During a state disaster emergency with significant public health impact, and where compliance with certain regulations may prevent, hinder or delay action necessary to cope with the disaster, as is the case with COVID-19, this authority will ensure that the State has the most efficient regulatory tools to facilitate the State's and regulated parties' response efforts to Surge and Flex the healthcare system statewide. Additionally, this authority will also ensure that the Department has the flexibility to impose additional requirements, where necessary, to ensure effective response to a

declared state disaster emergency. Accordingly, these tools will help ensure the health and safety of patients and residents in New York State.

Costs:

Costs to Regulated Parties:

As demonstrated during the COVID-19 pandemic emergency, significant provider costs, as well as local, regional and state costs, were incurred as a result of the need to respond to the demand for urgent healthcare and related services. These costs had significant impact throughout the state. It is anticipated there would be similar types of costs in a widespread emergency that would need to be addressed through both appropriate preparedness as well as within, and as part of, a coordinated response to a specific situation.

To the extent that additional requirements are imposed on regulated parties by these proposed regulatory amendments, most requirements would be in effect only for the duration of a declared state disaster emergency, with the hope of limiting costs to the extent possible.

Costs to Local Governments:

As demonstrated during the COVID-19 pandemic emergency, significant provider costs, as well as local, regional and state costs, were incurred as a result of the need to respond to the demand for urgent healthcare and related services. These costs had significant impact throughout the state. It is anticipated there would be similar types of costs in a widespread emergency that would need to be addressed through both appropriate preparedness as well as within and as part of a coordinated response to a specific situation.

To the extent additional requirements are imposed on local governments that operate facilities regulated by the Department, most requirements would be in effect only for the duration of a declared state disaster emergency, with the hope of limiting costs to the extent possible.

Cost to State Government:

The administration and oversight of these planning and response activities will be managed within the Department's existing resources.

Paperwork:

It is not anticipated that the proposed regulatory amendments will impose any significant paperwork requirements. Although these proposed amendments require additional reporting, these reports can be submitted electronically using the current platforms that facilities are already using. Moreover, such reporting requirements would only be activated during a declared state disaster emergency, thereby limiting the burden.

Local Government Mandates:

Facilities operated by local governments will be subject to the same requirements as any other regulated facility, as described above.

Duplication:

These proposed regulatory amendments do not duplicate state or federal rules.

Alternatives:

The alternative would be to not promulgate the regulation. However, this alternative was rejected, as the Department believes that these regulatory amendments are necessary to facilitate response to a state disaster emergency.

Federal Standards:

42 CFR 482.15 establishes emergency preparedness minimum standards in four core areas including emergency planning, development of applicable policies and procedures, communications plan, and training and testing. These proposed amendments would complement the federal regulation and further strengthen hospitals' emergency preparedness and response programs.

Compliance Schedule:

These regulatory amendments will become effective upon publication of a Notice of Adoption in the New York State Register.

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

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

The New York State Department of Health (Department) received comments regarding the proposed addition of Part 360 to Title 10 of the New York Codes, Rules and Regulations (NYCRR); the proposed addition of Sections 1.2, 700.5, and 1001.6(e)(8) to Title 10 of the NYCRR; the proposed amendments to Sections 400.1 and 405.24(g) of the NYCRR; and the proposed addition of Sections 487.3(g)(4), 488.3(f)(6), and 490.3(g)(5) to Title 18 of the NYCRR. The comments and the Department's responses thereto are summarized below.

Comment: A private individual commented that the proposed regula-

tions are an unlawful overreach by a State agency, constitute government takeover of private facilities, and will lead to death and staffing shortages in regulated facilities.

Response: First, contrary to the commenter's assertion, the Commissioner of Health (Commissioner) has legal authority to promulgate this regulation. Such authority as it relates to facilities licensed pursuant to Article 28 of the Public Health Law (PHL) is contained in PHL sections 2800 and 2803(2); PHL section 4662 authorizes the Commissioner to issue regulations governing assisted living residences; PHL section 576 authorizes the Commissioner to regulate clinical laboratories; PHL section 225 authorizes the Public Health and Health Planning Council (PHHPC) and the Commissioner to establish and amend the State Sanitary Code provisions related to any matters affecting the security of life or health or the preservation and improvement of public health in the State of New York; and finally Social Services Law section 461(1) authorizes the Commissioner to promulgate regulations establishing standards applicable to adult care facilities. Second, this rule is not an unlawful exercise of government control over covered facilities; rather, the rule imposes conditions of PHL Article 28 licensure by the Department on regulated healthcare facilities. Third, this regulation is intended to provide crucial flexibility for emergency response efforts to avoid loss of life and ensure the proper utilization of healthcare facility staff, contrary to the assertion that this regulation will result in healthcare staffing shortages and death. As such, the Department has not made changes to the regulation due to these comments.

A healthcare trade association representing hospitals and health systems in New York State (hereinafter, "the association") made the following comments:

Comment: The association supported that the proposed regulation requires the Commissioner to employ an "incremental and geographically targeted" approach before directing facilities to increase their percentage of acute care beds, and the association agreed with the regulation's approach to managing elective procedures, as set forth in Section 360.2(a)(1).

Response: The Department appreciates this support.

Comment: The association asked the Department to "explore and invest in medium- and long-term strategies" to address staffing shortages in healthcare facilities and take staffing shortages into consideration when surge staffing is implemented pursuant to Section 360.2(a)(2) of the proposed regulation.

Response: The Department is committed to engaging with stakeholders on a regular basis to address the important issue of staffing shortages in healthcare facilities. However, such conversations are beyond the scope of this regulation and therefore no changes to the rule are necessary to address this comment.

Comment: Regarding the 60-day personal protective equipment (PPE) requirements set forth in Section 360.2(a)(3), the association requested that the Department improve its strategy when collecting information from regulated facilities about PPE stockpiles and requested that the Department share "consistent, standardized data definitions that factor in single-use and multi-use products and use agreed-upon burn rate methodologies."

Response: The Department has promulgated emergency regulations amending Sections 405.11 and 415.19 of Title 10 of the NYCRR, titled "Hospital and Nursing Home PPE Requirements," which set forth specific definitions and methodologies for calculating a hospital's required PPE stockpile; such regulations must be read in conjunction with these proposed regulations. When promulgating the "Hospital and Nursing Home PPE Requirements" regulation, the Department declined to calculate single- versus multi-use PPE differently because manufacturers have varying standards for reusability, there is no sound way for facilities to account for PPE that is being worn or washed when calculating the stockpile, and in the past facilities have inaccurately reported their reusable PPE amounts when the Department employed a standard adjuster to account for reusability. The Department is committed to regularly reviewing PPE reporting mechanisms, but such reporting strategies are outside the scope of this regulation. Accordingly, no modifications have been made to this regulation as a result of these comments.

Comment: The association asked the Department to identify and establish future efforts for Statewide coordination of discharge, transfer and receiving of patients to help hospitals load-balance patients.

Response: The Department is committed to engaging with stakeholders to identify discharge and transfer arrangements that will benefit facilities and enhance patient care while balancing patient populations during a surge. Moreover, the Department continues to operate a Surge Operation Center to facilitate patient load sharing and transfer patients when emergencies arise. Finally, the proposed rule does not preclude facilities from engaging with other facilities as well as the Department to coordinate patient load sharing (see 10 NYCRR 360.2[a][4]), and such efforts will be incorporated into the hospital's required Surge and Flex Response Plan. Given the ongoing coordination efforts permitted under the proposed regulation, the Department finds that no changes are necessary in response to this comment.

Comment: Regarding Section 360.2(a)(4)(ii), the association expressed confusion as to how this regulation would be integrated with the existing system of trauma designations and asked the Department to focus on preservation of trauma system resources.

Response: The proposed rule would allow the Department, when necessary to respond to a State of Emergency, to temporarily expand the number of facilities designated as trauma centers by authorizing the Department to designate an appropriate entity as a trauma center; extend or modify the period for which an entity may be designated as a trauma center; modify the review team for assessment of a trauma center; or change the level of acuity designation or health services of a facility when necessary. This rule is not intended to adversely impact currently-designated trauma centers, but rather expand the availability of trauma system resources when necessary for public health. Additionally, the Department is actively engaged with stakeholders to ensure appropriate designation of trauma centers outside of the surge and flex context. Accordingly, the Department finds that changes are unnecessary in response to this comment.

Comment: The association shared advice regarding data management based on the association's own experiences for purposes of implementing Section 360.2(a)(4)(iii) of the proposed rule.

Response: While the Department appreciates the recommendations shared by the association, because this comment does not recommend changes to the regulatory text the Department finds that no changes to the rule are required.

Comment: Regarding Section 360.3(a), the association asked the Department to clarify that its regulations align with the Emergency Preparedness Rule promulgated by the Centers for Medicaid & Medicare Services (CMS), which establish emergency preparedness minimum standards in four core areas.

Response: These proposed amendments will complement the federal regulation and further strengthen hospitals' emergency preparedness and response programs. Accordingly, no changes to this rule are necessary.

Comment: The association asked the Department to consider the burden of data gathering on end users, insofar as this regulation implements reporting requirements for covered entities (see Section 360.3[f]).

Response: The Department is sympathetic to the time staff must spend complying with facility reporting obligations. As such, the Department regularly reviews the data it requests to ensure need and relevance, streamline data collection, and reduce required data fields wherever possible to ensure healthcare facilities continue to primarily be engaged in patient care rather than data reporting. As such, the Department is committed to continuously engaging with the industry to refine data collection wherever possible. However, as this comment does not concern requested changes to the proposed regulation, no changes will be made to in response to this comment.

A healthcare trade association representing hospitals, health systems, nursing homes, and other healthcare providers in New York State (hereinafter, "the second association") submitted the following comments:

Comment: The second association asked that the State extend the executive order related to healthcare workforce flexibilities to give healthcare facilities continued ability to address COVID-19 surges.

Response: The Governor of the State of New York, not the Commissioner, is authorized to issue executive orders during a declared State disaster emergency; as such, the Department finds that no changes are necessary to the regulation in response to this comment. However, the Department agrees to engage in ongoing efforts to make important investments in the healthcare workforce and welcomes continued conversations with stakeholders regarding ways to expand and help this crucial workforce.

Comment: The second association expressed concern that the reporting requirements are too onerous for healthcare facility staff.

Response: As stated above with respect to comments from the association, the Department is committed to continuously engaging with the industry to refine data collection wherever possible. No changes to the proposed regulation are necessary in response to this comment.

Comment: The second association recommended that the Department develop an early warning system to identify PPE supply chain issues to help facilities keep their stockpiles intact.

Response: The Department actively monitors PPE prices across several sales platforms to assess when supply chain issues may arise and will alert stakeholders, including healthcare trade associations, if such issues are detected. No changes to the proposed regulation are necessary in response to this comment.

Comment: The second association suggested that the Department consult with clinical experts to determine which forms of PPE are needed in facility stockpiles and asked that the PPE stockpile metrics account for reusable supplies.

Response: As indicated above in response to comments from the association, in promulgating the separate "Hospital and Nursing Home PPE Requirements" emergency regulation, the Department declined to

calculate single- versus multi-use PPE differently because manufacturers have varying standards for reusability, there is no sound way for facilities to account for PPE that is being worn or washed when calculating a facility's stockpile, and facilities have inaccurately reported their reusable PPE stockpile in the past. With respect to the request that the Department consult with clinicians to determine which forms of PPE are necessary, the Department notes that clinical experts are retained on its staff and have been consulted when promulgating these regulations. Further, the Department based the required PPE on an expansive clinical study led by Johns Hopkins University as well as the forms of PPE recommended for use in healthcare facilities during the COVID-19 pandemic by CMS and the U.S. Centers for Disease Control and Prevention (CDC). Accordingly, the Department declines to make modifications to the regulation as a result of these comments.

Long Island Railroad Company

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Aligning the Rule of Conduct Regarding Carrying Firearms and Other Weapons in Public Transit with New York Law

I.D. No. LIR-50-22-00004-EP

Filing No. 968

Filing Date: 2022-11-28

Effective Date: 2022-11-28

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

Proposed Action: Amendment of Part 1097 of Title 21 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to ensure that the Rules of Conduct comply with New York State Penal Law regarding the carrying of firearms and other weapons (as the term is used in the New York State Penal Law) in public transit facilities, terminals, stations or trains.

Subject: Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law.

Purpose: Safeguard public safety by amending a rule to comply with NY Law regarding the carrying of firearms and weapons in public transit.

Text of emergency/proposed rule: Section 1097.11 is amended as follows:

No [persons, except for those licensed to do so and in immediate possession of such license, shall bring into or carry in a terminal, station or train any] firearms or other weapons (*as the term is used in the New York Penal Law*) may be carried into any facility, terminal, station or train except as permitted by law.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire February 25, 2023.

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

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

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

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries. On July 1, 2022,

New York State passed the Concealed Carry Improvement Act which amended the New York State Penal Law to add section 265.01-e which identifies a list of sensitive locations where carrying arms is prohibited. 2022 N.Y. Sess. Laws ch. 371. Public transit facilities and conveyances are included in this list of sensitive locations.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities and conveyances; this amended rule furthers the Legislature’s objective by safeguarding public health and safety.

Needs and benefits: The proposed amendment is necessary to safeguard public health and safety and to comply with the changes to New York laws concerning the carrying of firearms in public transit.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

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

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

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: No significant alternatives to these amendments were considered.

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

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

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

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

other weapons (as the term is used in the New York State Penal Law) in public transit facilities and conveyances.

Subject: Aligning the rule of conduct regarding carrying firearms and other weapons in public transit with New York Law.

Purpose: Safeguard public safety by amending a rule to comply with New York Law regarding the carrying of firearms and weapons in public transit.

Text of emergency/proposed rule: Section 1085.11 is amended as follows:

No firearms [persons, except for those licensed to do so and in immediate possession of such license, shall bring into or carry in a facility or train any firearms] or other weapons (as the term is used in the New York State Penal Law) may be carried in or on any facility, terminal, station or train except as permitted by law.

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire February 25, 2023.

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

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

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

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries. On July 1, 2022, New York State passed the Concealed Carry Improvement Act which amended the New York State Penal Law to add section 265.01-e which identifies a list of sensitive locations where carrying arms is prohibited. 2022 N.Y. Sess. Laws ch. 371. Public transit facilities and conveyances are included in this list of sensitive locations.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities and conveyances; this amended rule furthers the Legislature’s objective by safeguarding public health and safety.

Needs and benefits: The proposed amendment is necessary to safeguard public health and safety and to comply with the changes to New York laws concerning the carrying of firearms in public transit.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

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

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

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: No significant alternatives to these amendments were considered.

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

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

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

A regulatory flexibility analysis for small business and local governments, a rural flexibility analysis, and a job impact statement are not required for

Metro-North Commuter Railroad

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

Aligning the Rule of Conduct Regarding Carrying Firearms and Other Weapons in Public Transit with New York Law

I.D. No. MCR-50-22-00005-EP

Filing No. 969

Filing Date: 2022-11-28

Effective Date: 2022-11-28

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

Proposed Action: Amendment of Part 1085 of Title 21 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to ensure that the Rules of Conduct comply with New York State Penal Law regarding the carrying of firearms and

this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

Metropolitan Transportation Agency

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

Aligning the Rule of Conduct Regarding Carrying Firearms and Other Weapons in Public Transit with New York Law

I.D. No. MTA-50-22-00002-EP

Filing No. 966

Filing Date: 2022-11-28

Effective Date: 2022-11-28

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

Proposed Action: Amendment of Part 1044 of Title 21 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to ensure that the Rules of Conduct comply with New York State Penal Law regarding the carrying of firearms and other weapons (as the term is used in the New York State Penal Law) in public transit facilities and conveyances.

Subject: Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law.

Purpose: Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit.

Text of emergency/proposed rule: Section 1044.11 is amended as follows:

No firearm or other weapons (as the term is used in the New York State Penal Law)], dangerous instrument, or any other item intended for use as a weapon] may be carried in or on any facility or conveyance *except as permitted by law*. [This provision does not apply to law enforcement personnel and persons to whom a license for such weapon has been duly issued and is in force (provided in the latter case the weapon is concealed from view). For the purposes hereof, a weapon or dangerous instrument shall include, but not be limited to, a firearm, switchblade knife, gravity knife, box cutter, straight razor or razor blades that are not wrapped or enclosed in a protective covering, sword, shotgun or rifle.]

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire February 25, 2023.

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

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

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

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries. On July 1, 2022, New York State passed the Concealed Carry Improvement Act which amended the New York State Penal Law to add section 265.01-e which identifies a list of sensitive locations where carrying arms is prohibited. 2022 N.Y. Sess. Laws ch. 371. Public transit facilities and conveyances are included in this list of sensitive locations.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and

their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities and conveyances; this amended rule furthers the Legislature's objective by safeguarding public health and safety.

Needs and benefits: The proposed amendment is necessary to safeguard public health and safety and to comply with the changes to New York laws concerning the carrying of firearms in public transit.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

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

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

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: No significant alternatives to these amendments were considered.

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

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

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

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

New York City Transit Authority

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

Aligning the Rule of Conduct Regarding Carrying Firearms and Other Weapons in Public Transit with New York Law

I.D. No. NTA-50-22-00001-EP

Filing No. 965

Filing Date: 2022-11-28

Effective Date: 2022-11-28

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

Proposed Action: Amendment of Part 1050 of Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 1204(5)(a), 1266(4) and (5)

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to ensure that the Rules of Conduct comply with New York State Penal Law regarding the carrying of firearms and other weapons (as the term is used in the New York State Penal Law) in public transit facilities and conveyances.

Subject: Aligning the rule of conduct regarding carrying firearms and other weapons in public transit with New York Law.

Purpose: Safeguard public safety by amending a rule to comply with NY Law regarding the carrying of firearms and weapons in public transit.

Text of emergency/proposed rule: Subdivisions (a) and (c) of section 1050.8 are amended as follows:

(a) No firearms or other weapons (as the term is used in the New York State Penal Law)[, dangerous instrument, or any other item intended for use as a weapon] may be carried in or on any facility or conveyance *except as permitted by law*. [This provision does not apply to law enforcement personnel and persons to whom a license for such weapon has been duly issued and is in force (provided in the latter case the weapon is concealed from view). For the purposes hereof, a weapon or dangerous instrument shall include, but not be limited to, a firearm, switchblade knife, boxcutter, straight razor or razor blades that are not wrapped or enclosed in a protective covering, gravity knife, sword, shotgun or rifle].

(c) Subject to other provisions of the law, this section shall not apply to a rifle or shotgun which is unloaded and carried in an enclosed case, box or other container which completely conceals the item from view and identification as a weapon].

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire February 25, 2023.

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

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

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

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries. On July 1, 2022, New York State passed the Concealed Carry Improvement Act which amended the New York State Penal Law to add section 265.01-e which identifies a list of sensitive locations where carrying arms is prohibited. 2022 N.Y. Sess. Laws ch. 371. Public transit facilities and conveyances are included in this list of sensitive locations.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct governing the conduct and safety of the public in the use of their facilities and conveyances; this amended rule furthers the Legislature's objective by safeguarding public health and safety.

Needs and benefits: The proposed amendment is necessary to safeguard public health and safety and to comply with the changes to New York laws concerning the carrying of firearms in public transit.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

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

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

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: No significant alternatives to these amendments were considered.

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

Compliance schedule: There is no compliance schedule imposed by these proposed amended rules. Once adopted, the emergency amendment

to the existing rules governing the conduct and safety of the public will be effective immediately.

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

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

Public Service Commission

NOTICE OF ADOPTION

Submetering of Electricity

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

Filing Date: 2022-11-23

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: On 11/17/22, the PSC adopted an order approving 711 Seagirt Avenue Holdings LLC's (711 Seagirt) notice of intent to submeter electricity at 711 Seagirt Avenue, Queens, 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: Submetering of electricity.

Purpose: To approve 711 Seagirt's notice of intent to submeter electricity.

Substance of final rule: The Commission, on November 17, 2022, adopted an order approving 711 Seagirt Avenue Holdings LLC's notice of intent to submeter electricity at 711 Seagirt Avenue, Queens, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

Text or summary was published in the May 26, 2021 issue of the Register, I.D. No. PSC-21-21-00015-P.

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

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

Assessment of Public Comment

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

(18-E-0383SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-20-22-00008-A

Filing Date: 2022-11-23

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: On 11/17/22, the PSC adopted an order approving 417 East Realty Limited Partnership's (417 East Realty) petition to submeter electricity at 417 East 57th Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 417 East Realty's petition to submeter electricity.

Substance of final rule: The Commission, on November 17, 2022, adopted an order approving 417 East Realty Limited Partnership's petition to submeter electricity at 417 East 57th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

Text or summary was published in the May 18, 2022 issue of the Register, I.D. No. PSC-20-22-00008-P.

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

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

Assessment of Public Comment

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

(22-E-0199SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-25-22-00005-A

Filing Date: 2022-11-23

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: On 11/17/22, the PSC adopted an order approving Bedford Courts III LLC's (Bedford) notice of intent to submeter electricity at 1101 President Street, Brooklyn, New York, and request for a waiver of the energy requirements of 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: Submetering of electricity and waiver request.

Purpose: To approve Bedford's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on November 17, 2022, adopted an order approving Bedford Courts III LLC's notice of intent to submeter electricity at 1101 President Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., and request for a waiver of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

Text or summary was published in the June 22, 2022 issue of the Register, I.D. No. PSC-25-22-00005-P.

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

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

Assessment of Public Comment

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

(22-E-0201SA1)

NOTICE OF ADOPTION

Submetering of Electricity and Waiver Request

I.D. No. PSC-25-22-00007-A

Filing Date: 2022-11-23

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: On 11/17/22, the PSC adopted an order approving Bedford Courts III LLC's (Bedford) notice of intent to submeter electricity at 1089 President Street, Brooklyn, New York, and request for a waiver of the energy requirements of 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: Submetering of electricity and waiver request.

Purpose: To approve Bedford's notice of intent to submeter electricity and waiver request.

Substance of final rule: The Commission, on November 17, 2022, adopted an order approving Bedford Courts III LLC's notice of intent to submeter electricity at 1089 President Street, Brooklyn, New York, lo-

cated in the service territory of Consolidated Edison Company of New York, Inc., and request for a waiver of the energy audit and energy efficiency plan requirements of 16 NYCRR § 96.5(k)(3), subject to the terms and conditions set forth in the order.

Text or summary was published in the June 22, 2022 issue of the Register, I.D. No. PSC-25-22-00007-P.

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

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

Assessment of Public Comment

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

(22-E-0200SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-29-22-00007-A

Filing Date: 2022-11-23

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: On 11/17/22, the PSC adopted an order approving 150 East 23rd Street Condominium's (150 East 23rd Street) petition to submeter electricity at 150 East 23rd Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 150 East 23rd Street's petition to submeter electricity.

Substance of final rule: The Commission, on November 17, 2022, adopted an order approving 150 East 23rd Street Condominium's petition to submeter electricity at 150 East 23rd Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

Text or summary was published in the July 20, 2022 issue of the Register, I.D. No. PSC-29-22-00007-P.

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

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

Assessment of Public Comment

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

(22-E-0114SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-32-22-00025-A

Filing Date: 2022-11-23

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: On 11/17/22, the PSC adopted an order approving 66 State Street Partners, LP's (66 State Street) petition to submeter electricity at 66 State Street, Albany, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 66 State Street's petition to submeter electricity.

Substance of final rule: The Commission, on November 17, 2022,

adopted an order approving 66 State Street Partners, LP’s petition to submeter electricity at 66 State Street, Albany, New York, located in the service territory of Niagara Mohawk Power Corporation d/b/a National Grid, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 10, 2022 issue of the Register, I.D. No. PSC-32-22-00025-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (22-E-0371SA1)

NOTICE OF ADOPTION

Electric Metering Equipment

I.D. No. PSC-34-22-00007-A

Filing Date: 2022-11-23

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: On 11/17/22, the PSC adopted an order approving Sensus USA Inc.’s (Sensus) petition to use the Sensus Stratus IQ electric meter for electric metering applications in New York State.

Statutory authority: Public Service Law, section 67(1)

Subject: Electric metering equipment.

Purpose: To approve Sensus’ petition to use electric metering equipment.

Substance of final rule: The Commission, on November 17, 2022, adopted an order approving Sensus USA Inc.’s (Sensus) petition to use the Sensus Stratus IQ electric meter for electric metering applications in New York State, subject to the terms and conditions set forth in the order.

Text or summary was published in the August 24, 2022 issue of the Register, I.D. No. PSC-34-22-00007-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (21-E-0200SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-34-22-00008-A

Filing Date: 2022-11-23

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: On 11/17/22, the PSC adopted an order approving 2 Charlton Owners Corp.’s (2 Charlton) petition to submeter electricity at 2 Charlton Street, New York, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 2 Charlton’s petition to submeter electricity.

Substance of final rule: The Commission, on November 17, 2022, adopted an order approving 2 Charlton Owners Corp.’s petition to submeter electricity at 2 Charlton Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

Text or summary was published in the August 24, 2022 issue of the Register, I.D. No. PSC-34-22-00008-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (22-E-0238SA1)

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

Pole Attachment Charges

I.D. No. PSC-50-22-00007-P

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

Proposed Action: The Commission is considering a proposal filed by Orange and Rockland Utilities, Inc. to modify its tariff schedule, P.S.C. No. 3—Electricity, to update pole attachment charges.

Statutory authority: Public Service Law, sections 65, 66 and 119-a

Subject: Pole attachment charges.

Purpose: To provide just and reasonable pole attachment charges.

Substance of proposed rule: The Commission is considering a proposal filed by Orange and Rockland Utilities, Inc. (Orange and Rockland) on November 3, 2022, to amend its electric tariff schedule P.S.C. No. 3 – Electricity.

Orange and Rockland proposes to update its General Information Section No. 12.2 - Pole Attachment Charges applicable to Cable System Operators, Telecommunication Carriers, and Wireless Communication Carriers from an annual charge of \$20.03 to \$25.98 per span wire attachment or per foot on pole occupied by wireless equipment attachments. The proposed amendment has an effective date of March 1, 2023.

The full text of the proposal and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. 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-0630SP1)

Staten Island Rapid Transit Operating Authority

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Aligning the Rule of Conduct Regarding Carrying Firearms and Other Weapons in Public Transit with New York Law

I.D. No. SIR-50-22-00003-EP

Filing No. 967

Filing Date: 2022-11-28

Effective Date: 2022-11-28

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

Proposed Action: Amendment of Part 1040 of Title 21 NYCRR.

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

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

Specific reasons underlying the finding of necessity: The emergency amendments are necessary to ensure that the Rules of Conduct comply with New York State Penal Law regarding the carrying of firearms and other weapons (as the term is used in the New York State Penal Law) in public transit facilities and conveyances.

Subject: Aligning the rule of conduct regarding carrying firearms and other weapons in public transit with New York Law.

Purpose: Safeguard public safety by amending a rule to comply with New York Law regarding the carrying of firearms and weapons in public transit.

Text of emergency/proposed rule: Section 1040.9 is amended as follows:

No firearms or other weapons (as the term is used in the New York State Penal Law), dangerous instrument, or any other item intended for use as a weapon] may be carried in or on any facility or train *except as permitted by law*. [This provision does not apply to law enforcement personnel and persons to whom a license for such weapon has been duly issued and is in force (provided in the latter case the weapon is concealed from view). For the purposes hereof, a weapon or dangerous instrument shall include, but not be limited to, a firearm, switchblade knife, gravity knife, boxcutter, straight razor or razor blades that are not wrapped or enclosed in a protective covering, sword, shotgun or rifle.]

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire February 25, 2023.

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

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

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

Regulatory Impact Statement

Statutory authority: Section 1204(5-a) of the Public Authorities Law provides that the New York City Transit Authority may adopt rules and regulations governing the conduct and safety of the public as it may deem necessary, convenient or desirable for the use and operation of the transit facilities under its jurisdiction; Sections 1266(4) and (5) of the Public Authorities Law provide that the Metropolitan Transportation Authority and its subsidiary public benefit corporations may adopt rules and regulations governing the conduct and safety of the public as they may deem necessary, convenient or desirable for the use of any transportation facility and related services operated by it or its subsidiaries. On July 1, 2022, New York State passed the Concealed Carry Improvement Act which amended the New York State Penal Law to add section 265.01-e which identifies a list of sensitive locations where carrying arms is prohibited. 2022 N.Y. Sess. Laws ch. 371. Public transit facilities and conveyances are included in this list of sensitive locations.

Legislative objectives: The Legislature has conferred on the New York City Transit Authority and the Metropolitan Transportation Authority and their subsidiaries the authority to ensure the safety of their passengers and employees. Both have exercised that authority to adopt rules of conduct

governing the conduct and safety of the public in the use of their facilities and conveyances; this amended rule furthers the Legislature's objective by safeguarding public health and safety

Needs and benefits: The proposed amendment is necessary to safeguard public health and safety and to comply with the changes to New York laws concerning the carrying of firearms in public transit.

Costs:

(a) Regulated parties. The proposed amendments to the rules governing conduct and safety do not impose new costs on passengers or others.

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

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

Paperwork: The proposed amended rules do not impose any new reporting requirements.

Duplication: The proposed amended rules do not duplicate, overlap, or conflict with any State or Federal rule.

Alternatives: No significant alternatives to these amendments were considered.

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

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

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

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

Office of Temporary and Disability Assistance

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Elimination of 45-Day Waiting Period Relative to Determination of Safety Net Assistance (SNA) Applications

I.D. No. TDA-50-22-00006-P

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

Proposed Action: Amendment of sections 351.8(b), (c)(2)-(3), (5)(i) and 351.20(c) of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(3)(d), 34(3)(f), 131(1) and 158(4); L. 2022, ch. 56, part U

Subject: Elimination of 45-day waiting period relative to determination of Safety Net Assistance (SNA) applications.

Purpose: To update State regulations relative to waiting period for SNA consistent with part U of chapter 56 of the Laws of 2022.

Text of proposed rule: Part 351 of Title 18 NYCRR is amended as follows:
Subdivision (b) of § 351.8 of Title 18 NYCRR is amended to read as follows:

(b) The decision to accept or deny the application must be made within 30 days from the date of application for [Aid to Dependent Children (ADC) and within 45 days from the date of application for Home Relief (HR)] *both family assistance and safety net assistance*, except where the applicant requests additional time or where difficulties in verification lead to an unusual delay, or for other reasons beyond the social services official's control. The applicant must be notified in writing of the decision in accordance with department regulations. The reason for the delay in deciding whether to accept or deny an application [for ADC or HR] must be re-

corded in the case record and communicated to the applicant. The applicant must be notified of the availability of assistance to meet emergency circumstances or to prevent eviction.

Paragraphs (2)–(3) and subparagraph (i) of paragraph (5) of subdivision (c) of § 351.8 of Title 18 NYCRR are amended to read as follows:

(c)

(2) The amount of the initial grant of regularly recurring financial assistance for *both* family assistance *and* safety net assistance must be computed starting with the date of establishment of eligibility or the 30th day after the date of application, whichever is earlier. [The amount of the initial grant of regularly recurring financial assistance for safety net assistance must be computed starting with the 45th day after the date of application.] In determining the amount of the initial grant, the monthly budget deficit must be prorated to reflect the number of days in the month in which there was initial coverage.

(3) For [ADC] *family assistance and safety net assistance* cases, the first payment must be authorized no later than 30 days from the date of application. [State reimbursement will not be made for payments made to HR recipients for periods prior to 45 days from the date of application unless such payments are required to meet emergency circumstances or to prevent eviction. Emergency circumstances include situations in which the applicant or the applicant's household has no food and is not eligible for food stamps; has no shelter; has no fuel for heating during the cold weather period; has a utility disconnect notice and utilities have been scheduled to be disconnected within 72 hours of receipt of such notice, or utilities have been disconnected; or lacks items necessary to meet the health and safety needs of the applicant or the applicant's household, and there are no resources, including family and community resources, available to meet the emergency circumstances. Notwithstanding any other provisions of this Title, social services districts are not required to provide HR to any person otherwise eligible if State reimbursement is not available in accordance with the provisions of the Social Services Law.]

(5)(i) A child who is born to a recipient of public assistance is eligible for such assistance from the date of [his/her] *their* birth, provided verification of the birth is received by the appropriate social services official:

Subdivision (c) of § 351.20 of Title 18 NYCRR is amended to read as follows:

(c) When a social services district becomes aware that the adult relative caretaker of a minor child has died, the district must take prompt steps to adjust case classification and payee and to adjust benefit levels to reflect current circumstances. Public assistance eligibility must not lapse solely by reason of death of the adult caretaker of a minor child until arrangements are completed for the addition of the child to another public assistance household, reclassification of the case, foster care or other appropriate financial support. [For State reimbursement purposes, safety net assistance given to such a child during the first 45 days after filing of the application for safety net assistance is regarded as being given to meet emergency circumstances.]

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

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:

Social Services Law (SSL) § 20(3)(d) authorizes the Office of Temporary and Disability Assistance (OTDA) to promulgate regulations to carry out its powers and duties.

SSL § 34(3)(f) requires the Commissioner of OTDA to establish regulations for the administration of public assistance (PA) within the State.

SSL § 131(1) requires social services districts (districts), insofar as funds are available, to provide adequately for those unable to maintain themselves, in accordance with the provisions of the SSL.

SSL § 158(4), as amended by Part U of Chapter 56 of the Laws of 2022, requires social services districts (districts) to determine eligibility for Safety Net Assistance (SNA) within 30 days of receiving an application for SNA.

Part U of Chapter 56 of the Laws of 2022, which was enacted on April 9, 2022 and became effective on October 1, 2022, amends SSL § 158(4) to update the statutory time frame for districts to determine an applicant's eligibility for SNA from within 45 days after receiving an application for SNA to within 30 days of receiving an application for SNA. SSL § 158(4) also provides that districts shall notify SNA applicants about the availability of SNA "to meet emergency circumstances or to prevent eviction."

2. Legislative objectives:

It was the intent of the legislature in enacting the above statutes that the Office establish rules, regulations, and policy so that adequate provision is made for those persons unable to provide for themselves so that, whenever possible, such persons can be restored to a condition of self-sufficiency.

3. Needs and benefits:

Part U of Chapter 56 of the Laws of 2022, which was enacted on April 9, 2022 and became effective on October 1, 2022, amends the statutory time frame for districts to determine an applicant's eligibility for SNA from within 45 days after receiving an application for SNA to within 30 days of receiving an application for SNA. SSL § 158(4) also provides that districts shall notify SNA applicants about the availability of SNA "to meet emergency circumstances or to prevent eviction." The proposed regulatory amendments to 18 NYCRR §§ 351.8(b), 351.8(c)(2)–(3) and (5)(i), and § 351.20(c) are purely clarifying in nature. OTDA promulgates the proposed regulatory amendments merely to update State regulations consistent with the statutory amendments made to § 158(4) pursuant to Part U of Chapter 56 of the Laws of 2022, enacted on April 9, 2022 and effective on October 1, 2022. Adoption of the proposed regulatory amendments would address the current inconsistency between the statutory amendments, embodied in Part U of Chapter 56 of the Laws of 2022, and the current State regulations. Further, from a practical standpoint, the reduction of the time frame for districts to determine an applicant's eligibility for SNA from within 45 days after receiving an application for SNA to within 30 days of receiving an application for SNA would tangibly benefit OTDA's client population by reducing the amount of time required to ascertain SNA eligibility and enabling eligible recipients to access their benefits sooner.

4. Costs:

The proposed regulatory amendments are intended merely to update the current State regulations to reflect the statutory changes effectuated in the SFY 2022–2023 New York State Budget via Part U of Chapter 56 of the Laws of 2022, and would impose no additional fiscal impact.

5. Local government mandates:

The proposed regulatory amendments are intended merely to update the current State regulations to reflect the statutory changes effectuated in the SFY 2022–2023 New York State Budget via Part U of Chapter 56 of the Laws of 2022, and would impose no additional district mandates.

6. Paperwork:

The proposed regulatory amendments are intended merely to update the current State regulations to reflect the statutory changes effectuated in the SFY 2022–2023 New York State Budget via Part U of Chapter 56 of the Laws of 2022, and would impose no additional paperwork requirements.

7. Duplication:

This proposed regulatory amendments would not duplicate, overlap or conflict with existing federal or State law or regulation.

8. Alternatives:

An alternative to the proposed regulatory amendments would be to refrain from adopting them. However, if the proposed regulatory amendments are not adopted, there will be resulting inconsistencies between the SSL, as amended by the enactment of Part U of Chapter 56 of the Laws of 2022, and the current State regulations. The resulting inconsistencies would be contrary to law. Consequently, OTDA does not consider such inaction to represent a viable alternative to adopting the proposed regulatory amendments.

9. Federal standards:

The regulatory amendments would not conflict with federal standards for PA.

10. Compliance schedule:

The proposed regulatory amendments are purely clarifying in nature, designed merely to update State regulations consistent with the statutory amendments made to SSL § 158(4) pursuant to Part U of Chapter 56 of the Laws of 2022, enacted on April 9, 2022, and effective on October 1, 2022. Insofar as Part U of Chapter 56 of the Laws of 2022 became effective on October 1, 2022, OTDA anticipates that districts would be in compliance with the proposed regulatory amendments upon the effective date of the proposed regulatory amendments.

Regulatory Flexibility Analysis

A RFASBLG is not required for the proposed regulatory amendments because the proposed regulatory amendments will neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon small businesses or local governments. The purpose of the proposed regulatory amendments is merely to update State regulations consistent with the statutory amendments made to Social Services Law § 158(4) pursuant to Part U of Chapter 56 of the Laws of 2022, enacted on April 9, 2022 and effective on October 1, 2022. As it was evident from the proposed regulatory amendments that they would not have an adverse impact or impose reporting, recordkeeping, or other compliance requirements, no further measures were needed to ascertain those facts and, consequently, none were taken.

Rural Area Flexibility Analysis

A RAFA is not required for the proposed regulatory amendments because the proposed regulatory amendments would neither have an adverse impact upon, nor impose reporting, recordkeeping, or other compliance requirements upon public or private entities in rural areas. The purpose of the proposed regulatory amendments is merely to update State regulations consistent with the statutory amendments made to Social Services Law § 158(4) pursuant to Part U of Chapter 56 of the Laws of 2022, enacted on April 9, 2022 and effective on October 1, 2022. As it was evident from the proposed regulatory amendments that they would not have an adverse impact upon or impose reporting, recordkeeping, or other compliance requirements upon public or private entities in rural areas, no further measures were needed to ascertain those facts and, consequently, none were taken.

Job Impact Statement

A JIS is not required for the proposed regulatory amendments because the proposed regulatory amendments would not have a substantial adverse impact on jobs and employment opportunities in the public or private sectors of the State. The purpose of the proposed regulatory amendments is merely to update State regulations consistent with the statutory amendments made to Social Services Law § 158(4) pursuant to Part U of Chapter 56 of the Laws of 2022, enacted on April 9, 2022 and effective on October 1, 2022. The proposed regulatory amendments would not substantively affect the jobs or employment opportunities in the private sector or at the State or social services district (district) levels, nor would the proposed regulatory amendments impose any new annual costs or administrative burdens upon the districts.

**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/proregulations.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/proregulations.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/proregulations.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.

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-RP	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
OCM-49-22-00024-EP	12/07/23	Violations, Hearings and Enforcement	The proposed rule establishes parameters around violations, hearings, and enforcement creating requirements intended to further protect public health, safety, and welfare by preventing unlawful cannabis or unsafe practices from entering the marketplace

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CANNABIS MANAGEMENT, OFFICE OF			
OCM-50-22-00010-P	12/14/23	Adult-Use Cannabis	To regulate, control, and tax adult-use cannabis, generate significant new revenue, invest in communities and people most impacted by cannabis criminalization, reduce participation in the unlawful market, create new industries, and increase employment
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-52-21-00003-EP	12/29/22	To establish minimum standards to control the spread of COVID-19 at residential congregate programs	To establish minimum standards to control the spread of COVID-19 at residential congregate programs
CFS-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-45-22-00003-P	11/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-22-00004-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-45-22-00005-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00006-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00007-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00008-P	11/09/23	Jurisdictional Classification	To delete a position from the exempt class.
CVS-45-22-00009-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-45-22-00010-P	11/09/23	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-45-22-00011-P	11/09/23	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-45-22-00012-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00013-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt class and to delete from and to classify positions in the non-competitive class
CVS-45-22-00014-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes.
CVS-45-22-00015-P	11/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-22-00016-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-49-22-00005-P	12/07/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-22-00006-P	12/07/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-49-22-00007-P	12/07/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-22-00008-P	12/07/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-22-00009-P	12/07/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-22-00010-P	12/07/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-22-00011-P	12/07/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-22-00012-P	12/07/23	Jurisdictional Classification	To classify positions in the exempt class.

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-49-22-00013-P	12/07/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-22-00014-P	12/07/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-22-00015-P	12/07/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-22-00016-P	12/07/23	Jurisdictional Classification	To classify positions 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
CRIMINAL JUSTICE SERVICES, DIVISION OF			
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
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-39-22-00010-EP	09/28/23	Remote instruction and its delivery under emergency conditions and length of school days for approved school-age and preschool programs serving students with disabilities	To permit approved school-age and preschool programs serving students with disabilities to provide remote instruction on days they would otherwise close due to an emergency
EDU-39-22-00011-P	09/28/23	Appeals to the Commissioner of Education under Education Law § 310	To amend requirements
EDU-39-22-00012-EP	09/28/23	Laboratory experience required to take a science Regents examination	To permit students to satisfy laboratory requirement through a combination of hands-on and simulated laboratory experience
EDU-39-22-00013-P	09/28/23	Degree and experience requirements for college professors for the Tran G Certificate and the Individual Evaluation Pathway	To amend degree and experience requirements for college professors for the Traditional G certificate
EDU-39-22-00014-EP	09/28/23	Independent nurse practitioner practice	To implement Part C of Chapter 57 of the Laws of 2022
EDU-39-22-00015-EP	09/28/23	School Safety Plans	To conform 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.
EDU-48-22-00008-EP	11/30/23	Technical amendment relating to licensure in the profession of public accountancy.	To fix a clerical error for amendments to section 52.13 of the Commissioner’s adopted in September 2022.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-48-22-00009-EP	11/30/23	Central library services aid and state aid for library construction.	To align the Commissioner's regulations with recent amendments to sections 273, 273-a of the Education Law.
EDU-48-22-00010-P	11/30/23	Experience requirement for professional school building leader certification.	To remove the requirement that one year of such experience be as a school building leader.
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
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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.
ELG-48-22-00011-EP	11/30/23	Amending references to the Commission and citations to the Executive Law to conform to the Ethics Commission Reform Act of 2022	To conform the Commission's regulations to new Executive Law § 94 established by the Ethics Commission Reform Act of 2022
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-42-21-00011-RP	01/18/23	Disclosure requirements for certain providers of commercial financing transactions	To provide new disclosure rules for small business financings
*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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
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.
DFS-49-22-00001-P	12/07/23	Principle-Based Reserving	To adopt the 2022 Valuation Manual and amend the scope of section 103.4 to include certain group term life insurance.
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.
SGC-50-22-00008-P	12/14/23	Lottery courier service advertising	To regulate advertising by lottery courier services in order to protect consumers
SGC-50-22-00009-P	12/14/23	Purchase location requirements for lottery courier services	To facilitate the proper sale of lottery tickets to generate revenue for education
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-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-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 NYSSED law for qualifications of technical personnel

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-12-22-00002-P	03/23/23	Reporting of Acute HIV Infection	To require clinicians to report any case of acute HIV within 24 hours of diagnoses
HLT-23-22-00001-P	06/08/23	Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency
HLT-26-22-00003-P	06/29/23	Repeal of Limits on Administrative Expenses and Executive Compensation	Repeal of Limits on Administrative Expenses and Executive Compensation
HLT-29-22-00003-P	07/20/23	Public Water Systems	Correct typographical errors&inconsistencies with the CFRs to obtain primacy enforcement authority under Safe Drinking Water Act
HLT-39-22-00004-P	09/28/23	Repeal of Collection of Source Plasma	Repeal of Collection of Source Plasma
HLT-39-22-00018-P	09/28/23	Source Plasma Donation Centers	To distinguish source plasma donation centers as a separate regulatory entity from blood banks
HLT-39-22-00019-P	09/28/23	Private Duty Nursing (PDN) Services to Medically Fragile Adults	To increase PDN fee-for-service reimbursement for nursing services provided to medically fragile adults
HLT-39-22-00020-P	11/07/23	Early Intervention Program	To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification
HLT-40-22-00002-P	10/05/23	Maximum Contaminant Levels (MCLs)	To adopt Maximum Contaminant Levels (MCLs) for four (4) additional per- and polyfluoroalkyl substances (PFAS).
HLT-41-22-00016-P	10/12/23	Licensure and Practice of Nursing Home Administration	To clarify and update the nursing home administrator licensure program.
HLT-42-22-00002-P	10/19/23	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.
HLT-43-22-00003-EP	10/26/23	Monkeypox Virus to the List of Sexually Transmitted Diseases (STDs)	To add the Monkeypox Virus to the list of sexually transmitted diseases (STDs).
HLT-46-22-00003-P	11/16/23	Repeal of Zika Action Plan; Performance Standards	To repeal regulatory provisions which are no longer applicable.
HLT-48-22-00001-P	11/30/23	Adult Day Health Care	To regulate adult day health care programs for registrants with medical needs in a non-residential health care facility
HLT-49-22-00002-P	12/07/23	State Aid for Public Health Services: Counties and Cities	To increase Article 6 base funding to local health departments.
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-35-22-00004-P	11/15/23	The City Rent and Eviction Regulations governing rent control in New York City.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00005-P	11/15/23	The Emergency Tenant Protection Regulations regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
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-51-21-00007-P	02/09/23	Workplace Safety Committees	To comply with Labor Law 27-d(8) which requires that the Department adopt regulations
LAB-37-22-00004-P	09/14/23	Prevailing Wage for Aggregate Hauling	To clarify the application Labor Law § 220(3-a)(f)
LAB-41-22-00022-P	10/12/23	Minimum Wage Increase	To comply with Sections 652 and 673 of the Labor Law, by adopting minimum wage increases for farmworkers
LAB-41-22-00023-P	10/12/23	Minimum Wage Increases	To implement minimum wage increases pursuant to Labor Law 652(1)(c)
LAB-41-22-00024-P	10/12/23	Overtime Thresholds for Farm Laborers	To implement incremental reductions in overtime pay thresholds for farm laborers
LAB-44-22-00001-P	11/02/23	Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the State Public Employee Occupational Safety and Health Standards
LAKE GEORGE PARK COMMISSION			
LGP-36-22-00006-P	11/09/23	Addition of Waste Water Management Regulations within the Lake George Park	The proposed regulations are intended to protect the waters of Lake George from wastewater pollution
LAW, DEPARTMENT OF			
*LAW-49-21-00016-P	12/08/22	Charities regulatory framework and the use of gendered pronouns therein	Removal of all references to gender pronouns and replacing them with the neutral pronoun, "they" or "their"
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-41-02-00005-P	..... exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	..... exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	..... exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	..... exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	..... exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	..... exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	..... exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-37-22-00010-P	..... exempt	The Solar Communities Program	To provide bill savings benefits to customers participating in Solar Communities.
LPA-37-22-00012-P	..... exempt	The Authority's Small Generator Interconnection Procedures for Distributed Generators and/or Energy Storage Systems.	Alignment with New York's statewide cost sharing framework
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
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
LONG ISLAND RAILROAD COMPANY			
LIR-50-22-00004-EP	..... 12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
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
METRO-NORTH COMMUTER RAILROAD			
MCR-50-22-00005-EP	..... 12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
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
MTA-50-22-00002-EP	..... 12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
NEW YORK CITY TRANSIT AUTHORITY			
NTA-50-22-00001-EP	..... 12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
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
PDD-49-22-00004-P	..... 12/07/23	Protection of Individuals Receiving Services	To add clarity and consistency
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

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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

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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

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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

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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

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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

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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 Gypsy Trail Club, Inc.’s long-term financing agreements	To exempt Gypsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG’s petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG’s petition for a waiver of Commission policy and RG&E tariff

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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

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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-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs	To modify and improve Community Choice Aggregation programs in New York State

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-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-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-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified
*PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-21-00011-P	..... exempt	Green Button Connect implementation	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document
*PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
*PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-38-21-00007-P	..... exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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 an opt-out basis in New York State
PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
PSC-18-22-00007-P	..... exempt	Extension of deadline	Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units
PSC-19-22-00021-P	..... exempt	Brooklyn Clean Energy Hub and cost recovery	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation
PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff
PSC-20-22-00009-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-20-22-00011-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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-21-22-00011-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-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-24-22-00007-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-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-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-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-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.

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-31-22-00009-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-32-22-00027-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-33-22-00006-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-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00003-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-34-22-00004-P	..... exempt	Clean Energy Standard administration.	To authorize the funding necessary for continued implementation of the Clean Energy Standard.
PSC-34-22-00005-P	..... exempt	Transfer of a Certificate of Environmental Compatibility and Public Need.	Consideration of whether the proposed transfer is in the public interest.
PSC-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-37-22-00005-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-37-22-00006-P	..... exempt	Assessment of the need of the project for the provision of safe and adequate service at just and reasonable rates.	To determine whether the project is necessary and whether the utility can begin cost recovery through a surcharge mechanism.
PSC-37-22-00007-P	..... 09/14/23	Implementation of enhanced emergency contingency plans by telephone and cable companies, including storm response and credits.	To implement enhanced storm readiness and response by telephone and cable companies.
PSC-37-22-00008-P	..... 09/14/23	Technical amendments of state regulations and administrative corrections.	To make the provisions of natural gas service safer in New York State.
PSC-38-22-00002-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00003-P	..... exempt	A debt financing arrangement with respect to a proposed solar generation project.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-38-22-00005-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00006-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00007-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00008-P	..... exempt	Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.
PSC-38-22-00009-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00010-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-39-22-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-22-00007-P	..... exempt	Transfer of indirect ownership of cable television facilities and 27 municipal franchises.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-40-22-00003-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-22-00004-P	..... exempt	Sale of real property and granting of a permanent easement.	To determine whether to authorize the proposed sale and grant the permanent easement as well as the proper accounting treatment.
PSC-40-22-00005-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities and the proper accounting treatment.
PSC-40-22-00006-P	..... exempt	NYSRC reliability rules and measurements.	To consider revisions to various rules and measurements of the NYSRC used to support safe and reliable electric service.
PSC-40-22-00007-P	..... exempt	Solutions to reduce the impact of traditional demand charges on commercial customers with significant EV charging demand.	To request that the Public Service Commission direct electric utilities to implement the enumerated EV charging solutions.
PSC-41-22-00018-P	..... exempt	Proposed revision to the Non-Wires Alternative Mechanism Surcharge.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-41-22-00019-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-41-22-00020-P	..... exempt	The proposed transfer of real property and other assets related to an electric generating facility.	To determine whether the proposed transfer is in the public interest.
PSC-42-22-00010-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00011-P	..... exempt	Gas system planning.	To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives.
PSC-42-22-00012-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00013-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00014-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00015-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00017-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-22-00020-P	10/19/23	Technical amendments of state regulations and administrative corrections.	To align 16 NYCRR Part 753 with recent changes in state laws and clarify the responsibilities of excavators.
PSC-43-22-00006-P	exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-22-00007-P	exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-22-00008-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-22-00009-P	exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-44-22-00002-P	exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-22-00003-P	exempt	Proposed draft tariff amendments.	To document and refine moratorium management procedures that seek to minimize hardships in the event a future moratorium occurs.
PSC-45-22-00018-P	exempt	Transfer of a half interest in utility poles.	To determine if the transfer of the ownership interest is in the public interest.
PSC-45-22-00019-P	exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards, and public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-48-22-00002-P	..... exempt	The Performance Factor used in Distribution Load Relief and Commercial System Relief Programs for the 2023 capability period.	To effect more efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-48-22-00003-P	..... exempt	Gas moratorium customer protections.	To consider protections to minimize customer hardships in the unlikely event of a future gas moratorium.
PSC-48-22-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-22-00005-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-22-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-22-00007-P	..... exempt	The level of incentives and use of demand response under utility EV managed charging programs.	To consider adequate incentive levels and eliminating participation of demand response under EV managed charging programs.
PSC-49-22-00017-P	..... exempt	Stock ownership interest and associated financial transactions.	To consider the transfer of controlling interest and associated financial transactions.
PSC-49-22-00018-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-49-22-00019-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-49-22-00020-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-49-22-00021-P	..... exempt	Clean Energy Standard Tier 1 load serving entity obligations.	To transition the Tier 1 load serving entity obligation from a percentage based obligation to a load share obligation approach.
PSC-49-22-00022-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-49-22-00023-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-50-22-00007-P	..... exempt	Pole attachment charges.	To provide just and reasonable pole attachment charges.
STATE, DEPARTMENT OF			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
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.
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-50-22-00003-EP	12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-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
TDA-50-22-00006-P	12/14/23	Elimination of 45-day waiting period relative to determination of Safety Net Assistance (SNA) applications	To update State regulations relative to waiting period for SNA consistent with Part U 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
VICTIM SERVICES, OFFICE OF			
OVS-49-22-00003-P	12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.

Action Pending Index**NYS Register/December 14, 2022**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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

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

Department of State
F-2022-0562

Date of Issuance – December 14, 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-2022-0562, Janicca Clark-Virga, is proposing to construct a new stepped back limestone retaining wall along 50 linear feet of shoreline with a 15' return and restore 225sf area of land behind the wall. In addition, place stacked limestone along 102 linear feet on the outside of a deteriorated concrete dock and place 60 linear feet of sheet pile along the inside edge on the concrete dock. The surface of the dock (525sf) would be restored. The top of an additional 625sf of concrete dock would be restored by adding ~11" of concrete. The project would also include dredging 46cy of material from the inner basin. The project would result in 135.6cy of fill a portion of which would be placed below the plane of Ordinary High Water as well dredging/excavating 80cy of material. Dredged material would be reused as part of this project as fill.

The proposal is for the applicant's property located at 14567 County Route 123 in the Town of Henderson, Jefferson County on Henderson Harbor/Lake Ontario.

The stated purpose of the proposed action is, "Restore existing boat basin protective barrier (retaining wall and concrete pier), that have deteriorated over time, and were badly damaged during the high water events in 2017 and 2019. Without immediate repair of the outer breakwall and dock the existing boathouse and dock are at immanent risk of substantial damage/failure."

The applicant's consistency certification and supporting informa-

tion are available for review at: <https://dos.ny.gov/system/files/documents/2022/11/f-2022-0562publicnotice.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 January 13, 2023.

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
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.

2021-0265 Jeremy Ratajczyk located at 1201 Bullis Road, Town of Elma, (County of Erie) NY, for a variance concerning fire hydrant requirements. (Board Variance)

PUBLIC NOTICE

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Uniform Code Variance/Appeal Petitions

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2022-0576 The Zenger Group located at 777 E. Park Drive, Town of Tonawanda, (County of Erie) NY, for a variance concerning oil separator requirements. (Board Variance)

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2022-0644 Matter of Shahin Badaly, Two Wilson Place, Mount Vernon, NY 10550, for a variance concerning safety requirements, including the ceiling height and height under a projection. Involved is an existing dwelling located at Four Henry Street, Village of Great Neck, NY 11023, County of Nassau, State of New York.

2022-0647 Matter of Peter Mcgoldrick, 34 Randall Avenue, Lynbrook, NY 11563, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 34 Randall Avenue, Village of Lynbrook, NY 11563, County of Nassau, State of New York.

2022-0648 Matter of Stacy Ross, 91 Charles Street, Floral Park, NY 11001, for a variance concerning safety requirements, including ceiling height and height under a projection. Involved is an existing dwelling located at 91 Charles Street, Floral Park, NY 11001, County of Nassau, State of New York.

2022-0649 Matter of Select Permits, Larry Buscemi, P.O. Box 679, Mt. Sinai, NY 11766, for a variance concerning safety requirements, including ceiling height and height under a projection. Involved is an existing dwelling located at 11 Plaza Lane, Selden, Town of Brookhaven, NY 11784, County of Suffolk, State of New York.

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2022-0650 in the Matter of Darren P. Mercer, Architect, PLLC, Darren P. Mercer, 32 Flintlock Ridge Road, Katonah, NY 10536, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 66 Twin Lakes Road, Town of Lewisboro, NY 10590, County of Westchester, State of New York.

2022-0651 in the Matter of Vicente Varela, 17 Milosh St., Clifton, NJ 07011, for a variance concerning safety requirements, including ceiling height. Involved is a three family dwelling located at 203 Lexington Avenue, Village of Mount Kisco, NY 10549, County of Westchester, State of New York.

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Uniform Code Variance/Appeal Petitions

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Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2022-0652 in the Matter of Eva Bouhassira Architect PC, Eva Bouhassira, RA, 50 Hamilton Avenue, Hastings On Hudson, NY 10706, for a variance concerning safety requirements, including ceiling height and space requirement. Involved is a one family dwelling located at 30 Branford Road, Village of Hasting on Hudson, NY 10706, County of Westchester, State of New York.

2022-0654 in the Matter of Samuel Sarmiento, 21 Glen Rock Circle, Highland, NY 12538, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 10 Homer Place, Town of Poughkeepsie, NY 12603, County of Dutchess, State of New York.

EXECUTIVE ORDERS

Executive Order No. 3.14: Continuing the Declaration of Disaster Emergency

WHEREAS, pursuant to Executive Order 211, issued July 6, 2021, a statewide disaster was declared across the State due to gun violence;

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 211, as continued in Executive Order 3.13, and continue the terms, conditions, and suspensions contained in Executive Order 211 and its successors, until December 17, 2022.

(L.S.)

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

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

Executive Order No. 24: Declaring a Disaster Emergency in the Counties of Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Niagara, Oneida, Oswego, St. Lawrence and Wyoming and Contiguous Counties

WHEREAS, on November 17, 2022 and continuing thereafter, a severe winter storm is expected to create hazardous conditions in New York State posing an imminent danger to public transportation, utility service, public health, and public safety systems within the counties of Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Niagara, Oneida, Oswego, St. Lawrence and Wyoming, and contiguous counties;

WHEREAS, the storm is anticipated to produce heavy snowfall, high winds, and blizzard-like conditions, resulting in road closures, travel disruptions, power outages, and damage to public and private property throughout the impacted areas, which pose a threat to the public health 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 find that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency effective November 17, 2022 within the territorial boundaries of Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Niagara, Oneida, Oswego, St. Lawrence and Wyoming, and contiguous counties. This Executive Order shall be in effect through December 17, 2022; and

FURTHER, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize, effective November 17, 2022, State agencies as necessary, and the American Red Cross, to take appropriate action to protect State property and to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health and safety;

IN ADDITION, this declaration satisfies the requirements of 49 C.F.R. 390.23(a)(1)(A), which provides relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSR). Such relief from the FMCSR is necessary to ensure that snow crews can clear vital roadways and hasten the movement of utility power restoration crews into New York State;

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through December 17, 2022, the following laws:

- Section 97-G of the State Finance Law, to the extent necessary to purchase food, supplies, services, and equipment or furnish or provide various centralized services to assist affected local governments, individuals, and other non-State entities in responding to and recovering from the disaster emergency;
- Section 112 of the State Finance Law, to the extent consistent with Article V, Section I of the State Constitution, and to the extent necessary to add additional work, sites and time to State contracts;
- Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to purchase commodities, services, technology and materials without following the standard notice and procurement processes;
- Section 136-a of the State Finance Law, to the extent necessary to combine design and construction services in one contract and/or to obtain design and construction inspection services to respond to and to recover from the disaster emergency;
- Section 38 (1),(2) and (3) of the Highway Law to the extent necessary to authorize the award of emergency contracts;
- Sections 375, 385 and 401 of the Vehicle and Traffic Law to the extent that exemption for vehicles validly registered in other jurisdictions from vehicle registration, equipment and dimension requirements is necessary to assist in preparedness and response to the emergency;
- Section 107.1 of Title 21 of the New York Codes, Rules and Regulations, to the extent necessary to provide the Governor with the authority to regulate traffic and the movement of vehicles on roads, highways, and streets; and
- Section 359-a and Section 2879 of the Public Authorities Law to the extent of allowing the New York State Thruway Authority to purchase necessary goods and services without following the standard procurement processes.

(L.S.)

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

BY THE GOVERNOR

/S/ Kathy Hochul

/s/ Karen Persichilli Keogh

Secretary to the Governor

