
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 March 5, 2023
- the 45-day period expires on February 18, 2023
- the 30-day period expires on February 3, 2023

**KATHY HOCHUL
GOVERNOR**

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SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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

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

Department of Audit and Control

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Deceased Owner

I.D. No. AAC-01-23-00003-P

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

Proposed Action: Addition of Part 126 to Title 2 NYCRR.

Statutory authority: Abandoned Property Law, section 1414

Subject: Deceased Owner.

Purpose: To clarify that the confirmed date of death of an owner begins the applicable dormancy period as provided in law.

Text of proposed rule: A new section 126.1 is added to read as follows:

Section 126.1. Deceased Persons. If a holder, in the ordinary course of business, receives notice or an indication of the death of an owner, the holder shall attempt to confirm whether the owner is deceased no later than 90 days after notice or indication of death.

Notwithstanding any provision of the abandoned property law and any other law to the contrary, once the death of the apparent owner has been confirmed by the holder of the property, such property shall be subject to the dormancy period and the mandatory reporting applicable to such property as set forth in the abandoned property law. The dormancy period shall commence on the date of death.

Text of proposed rule and any required statements and analyses may be obtained from: Marcella Buell, Office of State Comptroller, 110 State Street, Albany, New York, (518) 473-4138, email: mbuell@osc.ny.gov

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

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

Regulatory Impact Statement

1. **Statutory Authority:** The addition of Part 126 is authorized under section 1414 of the Abandoned Property Law. Section 1414 of the Abandoned Property Law authorizes the Comptroller to make such rules and regulations as he may deem necessary to enforce the provisions of the Abandoned Property Law.

2. **Legislative Objectives:** Under current law, the date of death of an owner of property does not automatically commence a dormancy period. Often an account or securities owned by a deceased individual may appear active because (i) account activity is initiated by individuals other than the deceased property owner or (ii) correspondence mailed to owners is not returned as undeliverable to the holders. In addition, while holders of property may receive indication that an owner is deceased, they fail to confirm the owner's death and, as a result, the dormancy period for these accounts does not commence. This regulation would require holders of property to attempt to confirm that an owner is deceased if they receive indication or notification of death. Upon confirmation of death, the dormancy period will start to run and the property will be subject to the applicable dormancy period.

3. **Needs and Benefits:** This regulation will protect entitled heirs and reduce fraud by clarifying that the date of death of the owner of accounts or securities commences the start of the dormancy period, instead of preventing the dormancy period from starting to run because the holder fails to confirm death of an owner.

4. **Costs:** No additional administrative costs to the State Comptroller's Office are anticipated for the implementation of Part 126 of the rules.

5. **Local Government Mandates:** Not applicable.

6. **Paperwork:** No additional paperwork will be required as a result of this rule. The abandoned property reports are available electronically.

7. **Duplication:** None.

8. **Alternatives:** No alternative course considered.

9. **Federal Standards:** Not applicable.

10. **Compliance Schedule:** Part 126 of the rules will be implemented as soon as practicable following adoption.

Regulatory Flexibility Analysis

1. **Effect of rule:** The addition of part 126 to the rules will require holders of property to attempt to confirm that an owner is deceased, upon receipt of an indication or notice of death. Upon confirmation of death, the property will be subject to the applicable dormancy period provided for in the Abandoned Property Law. This part 126 will have minimal impact on small businesses or local governments.

2. **Compliance requirements:** The proposed part 126 to the rules require small businesses or local governments that hold property subject to reporting under the Abandoned Property Law to attempt to confirm that an owner of that property is deceased if the small business or local government receives an indication or notice of the death of such owner.

3. **Professional services:** There are no professional services that a small business or local government will likely need to comply with the rule.

4. **Compliance costs:** There are no initial capital costs or annual costs for small businesses or local governments to comply with these rules. Reporting tools and instructions are available to the holders of property on the Office of the Comptroller's website.

5. **Economic and technological feasibility:** Since there are no compliance costs imposed upon small businesses or local governments there is no need to conduct an assessment of the economic feasibility of compliance with such rule.

6. **Minimizing adverse impact:** No adverse impact is anticipated for small businesses or local governments as a result of this rule. Accordingly, none of the approaches for minimizing adverse economic impact suggested in SAPA section 202-b (1) were considered.

7. **Small business and local government participation:** In order to ensure small businesses and local governments have an opportunity to participate

in the rule making process, the text of the proposed rule will be published in the New York State Register.

Rural Area Flexibility Analysis

This action will not impose any adverse economic impact, reporting, recordkeeping or other compliance requirements on public or private entities in rural areas.

Office of Cannabis Management

EMERGENCY RULE MAKING

Cannabis Laboratories

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

Filing No. 1040

Filing Date: 2022-12-15

Effective Date: 2022-12-15

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

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

Statutory authority: Cannabis Law, section 13

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

Specific reasons underlying the finding of necessity: The testing of medical cannabis products by certified laboratories has been in place since 2015. Certified patients are ensured access to accurately labeled cannabis products and guaranteed that the cannabis products are absent or below regulatory limits for contaminants of concern such as microorganisms, metals, mycotoxins, and growth regulators. While the Department of Health (the Department) currently has authority to provide interim certifications under Title 10 of New York Codes, Rules and Regulations, it would be inappropriate to allow the Department to continue to do so as the Marihuana Regulation and Taxation Act (MRTA) mandates the transfer of cannabis laboratory testing oversight functions from the Department to the Office of Cannabis Management (OCM). Additionally, Title 10 provisions only address the Department and limit cannabis testing to medical cannabis.

Since the passage of the MRTA and with the amendments to Cannabis Law allowing for conditional approval of adult-use cultivators and processors, the emergency regulations are necessary to immediately allow the Office to create an application process to permit additional laboratories and provide regulations for the testing of adult-use cannabis. Presently, the laboratories certified to test medical cannabis do not have sufficient capacity to be able to handle the additional testing needed for the adult-use cannabis program. Denying registered patients access to safe medical cannabis, or forcing them to discontinue using medical cannabis, poses an immediate risk to the health and safety of these patients, some of whom are terminally ill. Denying adult-use consumers access to safe adult-use cannabis or creating a deficit of tested and safe adult-use cannabis would drive them to use illicit cannabis and poses an immediate risk to the health and safety of the adult-use consumers. There is an immediate need to implement these regulations now to allow for the lengthy lead times required to permit cannabis laboratories, which is crucial to ensure that testing capacity is sufficient to accommodate the already growing New York State cannabis supply and continue to protect the integrity of both medical and adult-use cannabis products as well as protecting the health and safety of the patients and consumers of New York.

Once permitted by the Cannabis Control Board, the cannabis laboratories will be authorized to collect, label, accession, prepare, analyze, result report, dispose and store adult-use cannabis and/or medical cannabis. These regulations will lay the foundation in ensuring that cannabis laboratories have the necessary framework to test cannabis products accurately and effectively so that consumers can have access to safer products. The Office of Cannabis Management and Cannabis Control Board have determined it necessary to file these regulations on an emergency basis to protect the public from the immediate threat posed by untested adult-use cannabis and the lack of availability for testing for medical cannabis due to adult-use supply demands and for the preservation of public health, safety and general welfare that compliance with routine administrative procedures would be contrary to the public interest.

Subject: Cannabis Laboratories.

Purpose: This emergency rule addresses the immediate need to permit cannabis laboratories; ensure that testing capacity is sufficient; protect the integrity of medical and adult-use cannabis products and the health and safety of patients and consumers of New York.

Substance of emergency 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 Emergency 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 profi-

ciency 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 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.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. OCM-24-22-00014-RP, Issue of December 14, 2022. The emergency rule will expire March 14, 2023.

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

Regulatory Impact Statement

Statutory Authority:

Section 13 of the Cannabis Law provides, in part, that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law. The emergency regulations shall include, but not be limited to, the sampling of cannabis by a third party, and the testing of sampled cannabis, including the permitting of laboratories authorized to test cannabis.

Sections 43, 89, 105 and 129 of the Cannabis Law provides that the Board shall promulgate regulations to implement laboratory testing under Article 3, 4, 5 and 6 of the Cannabis Law, including but not limited to, the permitting of laboratories, sampling and testing protocols, standards used by laboratories, ensuring the laboratory and its staff has the skills, resources and expertise needed to accurately and consistently perform all of the testing required as well as enforcement of these provisions.

Legislative Objectives:

To protect public health and safety through regulating and permitting laboratories, analyzing adult-use and medical cannabis to ensure accurate and reliable results are released by such laboratories and providing such results to the Office of Cannabis Management (Office) and licensees, and aiding in the determination that final cannabis products accurately reflect potency, and meet regulatory limits for contaminants.

Needs and Benefits:

The Cannabis Law transfers the legal responsibility of the oversight of laboratories testing medical cannabis from the Department of Health (DOH) to the Office, and, with the newly authorized adult-use of cannabis, enacts a comprehensive regulatory scheme for the sampling, transportation and testing of adult-use and medical cannabis products ensuring the final cannabis product results are valid and reliable and protecting the public against risks to its health and safety. The emergency regulations accomplish this objective by establishing sampling and testing standards for laboratory sampling firms and cannabis laboratories, respectively; ensuring qualified individuals are sampling and testing adult-use and medical cannabis; and implementing approved procedures for sampling and testing of adult-use and medical cannabis.

The emergency regulations will require that all sampling of cannabis be performed by an impartial third party. There is a need for this requirement because without the impartiality, licensees may use their own in-house laboratories, which they may have for research and development or process control, to pre-select samples to be tested, which they know would pass. By requiring impartiality on the sampling process, the emergency regulations address this “cherry-picking” of samples by requiring a more randomized selection of the licensee’s product.

Costs:

There will be costs associated with the emergency regulations. In order to apply for a permit, an applicant must submit a \$1,000 non-refundable application fee. In addition, there will be a cost to an applicant to participate in required proficiency tests offered by a proficiency test provider. For an applicant approved as a permitted cannabis laboratory, the laboratory will pay a permit fee based on its gross annual receipts (GAR). To renew annually, a cannabis laboratory must submit a non-refundable \$1,000 renewal application fee along with a refundable permit fee based on its gross annual receipts. A cannabis laboratory must also continue to participate in required proficiency tests on a semi-annual basis at its own cost.

There will be a cost associated with an application for approval of a laboratory sampling firm. An applicant must submit a \$500 non-refundable application fee. For an applicant approved as a laboratory sampling firm, the firm will pay an approval fee of \$1,000 for a period of two (2) years. To renew, the laboratory sampling firm must submit a non-refundable \$500 renewal application fee along with an additional \$1,000 refundable approval fee.

Additionally, there will be a cost to licensees and registered organizations for the use of a laboratory sampling firm.

Costs to State and Local Governments:

The emergency regulations do not require the state or local government to perform any additional tasks and therefore the Office does not anticipate a cost associated to the cannabis laboratory permitting program. The oversight of permitting medical cannabis laboratories will transfer from the DOH to the Office.

Costs to the Office of Cannabis Management:

The Office anticipates an increase to administrative costs to manage applications and support the permitting of cannabis laboratories and approval of laboratory sampling firms as well as compliance associated with such permits and approvals. The administrative costs will be covered by application, permit and approval fees received from cannabis laboratory and laboratory sampling firms.

There will be costs for laboratory services provided by a reference laboratory for any testing required to investigate compliance matters or serious adverse events, or the testing of cannabinoid hemp, cannabis product, or medical cannabis, and any other intermediates or forms randomly pulled by the Office.

Local Government Mandates:

The emergency regulations do not impose any new programs, services, duties or responsibilities on local government.

Paperwork:

The paperwork associated with cannabis laboratories who wish to become permitted in New York State include quality manuals, standard operating procedures, initial demonstration of capabilities, proficiency test results, technical staff resumes and transcripts, amongst other requirements.

The paperwork associated with performing a regulatory audit performed by the Office of a cannabis laboratory initially and every two (2) years thereafter include quality manuals, standard operating procedures, technical staff training records, chain of custody, instrument and equipment logs, certificates of analysis, regulatory audit reports, and corrective action responses, amongst other requirements.

Additionally, cannabis laboratories seeking prior written approval for changes to ownership, location, major instrumentation, or technical directors will need to submit documents needed for the Office to review and consider the request for approval or denial. Lastly, cannabis laboratories seeking approval for a laboratory-developed method will need to submit

documents needed for the Office to review and consider the request for approval or denial.

The paperwork associated with processing applications for laboratory sampling firms include standard operating procedures covering both sampling and transportation of cannabis, sampling staff resumes and transcripts, amongst other requirements. It is anticipated that processing applications will be ongoing as laboratory sampling firms apply and renew.

Finally, the emergency regulations create a record retention provision that requires cannabis laboratories and sampling firms to retain their records for five years with specific information to be accurately and reliably identified. Additional requirements for record retention relate to the transferring of records when a cannabis laboratory and sampling firm goes out of business and including employee training records and standard operating procedures related to sampling and transport.

Duplication:

The emergency regulations do not duplicate any existing State or federal requirements that are applicable to the testing of cannabinoid hemp, and adult-use and medical cannabis. The Department of Health will no longer certify laboratories testing medical cannabis pursuant to 10 NYCRR Sections 55-2.2(a)(4) and 55-2.15 when Part 130 is adopted.

Alternatives:

The Office considered the use of third-party certification of cannabis laboratories. The review process to approve third-party certifying cannabis laboratories would be onerous, increase costs to the cannabis laboratory, and limit the Office’s ability to robustly regulate the cannabis laboratories. As a result, the Office considered this alternative insufficient in comparison to the emergency regulations. Additionally, the Office considered whether to put the testing limits for required analytes in the emergency regulations. To remain flexible with new scientific literature and processes, the Office decided to leave the required analytes and respective limits out of the emergency regulations and leave the required analytes and respective limits to guidance.

Federal Standards:

Federal requirements do not include provisions for the permitting of laboratories to conduct cannabis testing, or for laboratory testing of medical and adult-use cannabis.

Compliance Schedule:

The emergency regulations will take effect immediately upon filing with the Department of State.

Regulatory Flexibility Analysis**Effect of Rule:**

The emergency regulations would regulate, control and permit, cannabis laboratories, as described in Article 3, 4, 5 and 6 of the Cannabis Law, and authorizes such cannabis laboratories to perform analytical testing of cannabis products while ensuring accurate and reliable results by such laboratories when providing such results to licensees. Additionally, the emergency regulations would create the structure for regulatory limits for contaminants, ensuring that final cannabis products are quality tested prior to public consumption, therefore protecting public health and safety. Whether or not a laboratory which is operating in another industry chooses to include cannabis in their portfolio is at the discretion of the laboratory and is not mandated by the Office of Cannabis Management (the Office). Once the laboratory chooses to be a cannabis laboratory, then and only then does the Office’s regulatory arm extend over them.

Laboratories currently testing medical cannabis products and currently certified under 10 NYCRR Part 1004 and Sections 55-2.2(a)(4) and 55-2.15 include small businesses, however, the Office does not anticipate any additional costs to existing small business establishments or government entities in New York State. In fact, due to their relative size and limited ability to test as much as a laboratory that is much bigger, the calculation for permitting fees, which are minimally \$1,000 will not be as much as a large laboratory. Small businesses will also need to pay for an ISO/IEC 17025 certification and if they choose to become a cannabis laboratory sampling firm, those small businesses will incur a non-refundable application fee of \$500 and a biennial approval fee of \$1,000, as well as proficiency testing and its associated costs as some small businesses may have chosen to perform proficiency tests, whereas now it is a requirement under these emergency regulations. There is no longer a need for cannabis laboratories to receive Class 8 Analytical License with the Department of Health and therefore no longer need to pay the fees associated with that license under the emergency regulations. Laboratories currently test medical cannabis products and the transition from the Department of Health to the Office as well as the additional testing on adult-use cannabis will not have an effect on local governments.

Compliance Requirements:

Laboratories currently testing medical cannabis products are certified under 10 NYCRR Part 1004 and Section 55-2.2(a)(4) and 55-2.15. Upon the filing date of the emergency regulations and upon renewal of these laboratories, the laboratories will be required to receive and maintain ISO/IEC 17025 accreditation. In order to maintain a permit, the laboratory will

need to employ qualified staff, submit to a laboratory regulatory audit every two years, obtain approval for laboratory-developed methods, obtain laboratory sampling firm approval for those laboratories that wish to conduct sampling of cannabis products, prepare certificates of analysis, and ensure shipping manifests for samples.

The emergency regulations provide an opportunity for laboratories to correct findings in a laboratory regulatory audit report to the Office within 90 days before the laboratory is unapproved for affected analytes or penalties in accordance with Cannabis Law.

Professional Services:

No new professional services will be required of existing small business entities or that would require additional local governments oversight.

Compliance Costs:

The emergency regulations impose compliance costs on entities who wish to be permitted as a cannabis laboratory or laboratory sampling firms. These entities will incur costs associated with the application, permit, and approval fees, as well as building, equipment, and operation of facilities to test cannabis products. Additionally, proficiency testing and ISO/IEC 17025 accreditation and audits will be required for an entity to be a cannabis testing laboratory. The Office took steps to mitigate the compliance costs for laboratories considering the types of accreditation required and number of analytes to be tested.

In fact, due to their relative size and limited ability to test as much as a laboratory that is much bigger, the calculation for permitting fees, which are minimally \$1,000 will not be as much as a large laboratory. Small businesses will also need to pay for an ISO/IEC 17025 certification and if they choose to become a cannabis laboratory sampling firm, those small businesses will incur a non-refundable application fee of \$500 and a biennial approval fee of \$1,000, as well as proficiency testing and its associated costs as some small businesses may have chosen to perform proficiency tests, whereas now it is a requirement under these emergency regulations. There is no longer a need for cannabis laboratories to receive Class 8 Analytical License with the Department of Health and therefore no longer need to pay the fees associated with that license under the emergency regulations.

Economic and Technological Feasibility:

This proposal is economically and technologically feasible as the application fees, which constitutes the greatest amount of fees associated with permitting - are not excessive as to preclude the industry to grow and seek out more opportunity.

Minimizing Adverse Impact:

To minimize the potential health and safety risks associated with the use of cannabis, the regulations include requirements and standards for cannabis laboratories, located in New York State and permitted by the Office, to perform cannabis product analytical testing. These requirements do not create an adverse impact to small business and local governments.

Small Business and Local Government Participation:

The emergency regulations were developed in response to feedback from multiple organizations, medical cannabis laboratories currently certified under 10 NYCRR sections 55-2.2(a)(4) and 55-2.15, state agencies including the Department of Health, and advocates who have provided feedback and suggestions for programmatic improvements to the analytical testing of cannabis since the implementation of the medical cannabis program. The Office has been meeting with the New York Cannabis Laboratory Association which includes a network of laboratories, some of which are small businesses and liaison with local governments to address any concerns since its inception.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

Entities who wish to become a cannabis laboratory may have multiple testing locations or service centers. The use of laboratory sampling firms, which perform both sampling and transportation, was included in the regulations and increases accessibility for cannabis licensees in rural areas. Outside of major cities and metropolitan population centers, a majority of the 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 public or private entities in rural areas as a result of the regulations. No new professional services will be required of these entities in rural areas. Compliance requirements will be limited to the entities who become cannabis laboratories, laboratory sampling firms, and to those registered organizations and licensees who are requesting analytical testing of cannabis products.

Costs:

While there are currently no cannabis laboratories in rural areas, the Office of Cannabis Management (the Office) acknowledges that currently, there is a permitting fee that will be calculated based on the volume of testing a laboratory can perform, which is minimally \$1,000. Cannabis laboratories everywhere will also need to pay for an ISO/IEC 17025 certi-

fication and if they choose to become a cannabis laboratory sampling firm, will incur a non-refundable application fee of \$500 and a biennial approval fee of \$1,000, as well as proficiency testing and its associated costs, which is now a requirement under the emergency regulations.

Minimizing Adverse Impact:

The Office has determined that there will not be any adverse impact on rural areas as a result of the emergency regulations.

Rural Area Participation:

The emergency regulations were developed in response to feedback from multiple organizations, medical cannabis testing laboratories established under 10 NYCRR Part 1004, state agencies including the Department of Health, and advocates who have provided feedback and suggestions for programmatic improvements to the analytical testing of cannabis since the implementation of the medical cannabis program.

Job Impact Statement

The emergency regulations will allow for the creation of new jobs to support the activities of cannabis laboratories and cannabis sampling firms. It is anticipated with approval of adult-use cannabis that the demand for cannabis laboratories and cannabis sampling firms will increase thereby increasing the number of jobs created for those additional permitted cannabis laboratories and cannabis sampling firms. The Office of Cannabis Management has determined that there will not be any adverse impact on jobs as a result of the emergency regulations.

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 are 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

Department of Corrections and Community Supervision

NOTICE OF EMERGENCY ADOPTION AND REVISED RULE MAKING NO HEARING(S) SCHEDULED

Disposition for Violations of the Conditions of Release

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

Filing No. 1043

Filing Date: 2022-12-19

Effective Date: 2022-12-19

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

Action Taken: Amendment of sections 8000.2, 8002.6, 8003.2, Parts 8004, 8005 and 8006 of Title 9 NYCRR.

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

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

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

Subject: Disposition for violations of the conditions of release.

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

Substance of emergency/revised rule (Full text is posted at the following State website: <https://docs.ny.gov/rules-regulations>): The Board of Parole proposes a series of amendments, replacements and additions to its regulations relevant to parole supervision and the parole revocation process to accord with legislation passed within this past year concentrated on those issues. The Board proposes amendment to 9 N.Y.C.R.R. section 8002.6(a) and (b) that will specify how time assessments imposed in a parole revocation case will commence and be credited, and that they are to

run concurrently within the same case, with minor changes made in the revised rulemaking for additional clarity regarding time assessment computation. Modifications to the standard conditions of release in 9 N.Y.C.R.R. section 8003.2 are proposed pertaining to absconding from supervision and which adds a condition requiring a releasee's appearance at parole revocation proceedings. Amendments proposed for 9 N.Y.C.R.R. section 8004.1 include, in part, definitions for violations of the conditions of release as either "non-technical" or "technical".

The revised rulemaking newly amends 9 NYCRR § 8000.2, which provides definitions applicable to subtitle CC of Title 9, to add new terms introduced by LIMA, to reflect current practices and usage and to use gender-neutral terminology.

The Board proposes repeal and replacement of 9 N.Y.C.R.R. sections 8004.2 and 8004.3, and new 9 N.Y.C.R.R. sections 8004.4, 8004.5, 8004.6, 8004.7, 8004.8, 8004.10 and 8004.11, which changes will collectively detail various aspects of the parole revocation process including such matters as when a report of violative conduct to the Board is required, requirements related to a notice of violation, delineation of technical violations for which reincarceration is possible versus those for which it is not, and parole warrant issuance. Some of the sections addressed in these proposals have content in existing regulations but which has been reorganized for continuity of presentation. New 9 N.Y.C.R.R. section 8004.9 is proposed to address the subject of recognition hearings, which will now be required when a releasee is arrested on a parole violation warrant and are to be conducted in a court of law. The revised rulemaking makes non-substantial and minor substantial revisions to 8004.1, 8004.3, 8004.5-8004.8 and 8004.11 to replace some now redundant definitions currently located in section 8000.2 and to codify the conforming of proof to charges at the final hearing, and to respond to issues raised in the public comments.

The Board proposes changes to 9 N.Y.C.R.R. Part 8005, which addresses parole revocation hearings and the dispositions therefrom. The revised rulemaking makes both substantial and non-substantial revisions to sections 8005.4, 8005.7, 8005.15, 8005.17, 8005.18 and 8005.20 for consistency with the definitions in the amended section 8000.2, to address drafting oversights, to streamline cumbersome adjournment provisions and respond to issues raised in the public comments.

Amendments to 9 N.Y.C.R.R. sections 8005.7 and 8005.19 are included to reflect a change in the burdens of proof to preponderance of the evidence and clear and convincing evidence at the preliminary and final revocation hearings, respectively. The Board is also proposing changes to 9 N.Y.C.R.R. sections 8005.6 and 8005.17, which concern the scheduling of preliminary and final hearings respectively. These revisions accommodate the changes made by the legislation to the parole revocation process timeline including the timeframe in which these hearings are to be arranged, and they also address the location of such hearings which in cases where the alleged violator is not in custody is presumptively to be a courthouse, except that where a courthouse is not reasonably available, then another location, such as an office that is not a correctional facility, may serve as the hearing site. The Board proposes the repeal and replacement of 9 N.Y.C.R.R. section 8005.3, to have new content addressing revocation hearings generally, whereas more ministerial and miscellaneous amendments are proposed for 9 N.Y.C.R.R. sections 8005.2, 8005.4, 8005.5, 8005.15, and 8005.16. Amendment to 9 N.Y.C.R.R. section 8005.18 is proposed to fully complement the notice requirements concerning the final revocation hearings.

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

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

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

rulemaking to clarify the provisions applicable of the notice of appeal to allow for the possibility the appellants address may not be at a correctional facility.

This notice is intended to serve as both a notice of emergency adoption and a notice of revised rule making. The notice of proposed rule making was published in the *State Register* on February 23, 2022, I.D. No. CCS-08-22-00007-EP. The emergency rule will expire March 18, 2023.

Emergency rule compared with proposed rule: Substantive revisions were made in sections 8000.2, 8002.6, Parts 8004 and 8005.

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

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

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

Revised Regulatory Impact Statement

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

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

3. **Needs and Benefits:** Executive Law § 259-i(3) establishes the basic parameters and due process rights associated with the parole revocation process, including the range of available dispositions. The Board has implemented these statutory provisions in Parts 8002, 8004 and 8005 of Title 9 of the NYCRR. The administrative appeal of the resulting adjudications is governed by section 259-i(4) of the Executive Law and implemented in Part 8006 of Title 9 of the NYCRR. The purpose of these rules is to provide for the substantive procedure applicable to a releasee accused of a violation of the conditions of release and to provide notice to such releasee of such procedure and its consequences. To the extent certain provisions of LIMA have taken effect upon a date which would not afford time to comply with the proposal process, these rules will ensure the State of New York affords a legally authorized adjudication process to litigants and provides notice of such process and the possible dispositions resulting from such process to litigants and other interested parties during the proposal process.

The revised rulemaking amends 9 NYCRR § 8000.2, which provides definitions applicable to subtitle CC of Title 9, to add new terms introduced by LIMA, to reflect current practices and usage and to use gender-neutral terminology. The amendments to 9 NYCRR §§ 8002.6 and 8004.1 provide for the computation of time assessments, which determines when an individual reincarcerated as a result of an adjudicated violation of release disposition is eligible for re-release, consistent with the provisions of LIMA, with minor changes made in the revised rulemaking for additional clarity.

Section 8004.1 further introduces definitions for terms describing categories of violation created by LIMA which have a material effect on the character and scope of legally authorized dispositions while new sections 8004.6, 8004.7 and 8004.8 provide further detail on these categories of violation and amendments to section 8003.2 revise the standard conditions of release in light of these changes. The addition of 9 NYCRR §§ 8004.6, 8004.7, 8004.8 and the repeal and replacement of 9 NYCRR § 8005.20 provide for a sanction scheme and a process for the imposition of such sanctions which is consistent with the provisions of LIMA. Amendments to sections 8004.2, the repeal and replacement of section 8004.3, and new sections 8004.4, 8004.5, 8004.9, 8004.10 and 8004.11 address changes to

the process by which a violation proceeding is commenced and the new recognizance hearing required by LIMA. The revised rulemaking does not make significant changes to this overall structure but makes non-substantial and minor substantial revisions to 8004.1, 8004.3, 8004.5-8004.8 and 8004.11.

The amendments to Part 8005 alter the revocation hearing process and the penalties which may result in a manner consistent with LIMA. The revised rulemaking makes no significant changes to the overall structure of Part 8005, but makes both substantial and non-substantial revisions to sections 8005.4, 8005.7, 8005.15, 8005.17, 8005.18 and 8005.20. The amendments to Part 8006 revise the process for the administrative appeal of revocation determinations to harmonize current practice with the new appeal entitlements provided by LIMA.

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

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

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

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

8. **Alternatives:** Because this rulemaking governs the procedures and guidelines applied by the Board and its hearing officers and employees in a quasi-adjudicatory function, there are no alternatives other than to amend the regulations. In response to public comments, the Board has made substantial revisions, including removal of language allowing the aggregation of conduct in separate charges into a single absconding charge, specifying the report to the Board will issue upon probable cause, clarifying that proof of a conviction constitutes prima facie evidence of a violation, clarifying procedure around the final revocation hearing notice and lowering the minimum time assessment for plea agreements involving non-technical dispositions while allowing the releasee to plead to charges alleging technical violations.

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

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

Revised Regulatory Flexibility Analysis

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

Revised Rural Area Flexibility Analysis

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

Revised Job Impact Statement

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

Assessment of Public Comment

In response to the proposed rulemaking published on February 23, 2022, the Board received comments from The Legal Aid Society of New York City, #LessIsMoreNY Campaign, and Member of the New York State Assembly Dan Quart, and received approximately 68 form letters/emails with the same or substantially similar contents.

The comments addressed a large number of specific topics and provisions of the rulemaking, expressing concerns regarding: the revisions to the conditions of release; the classification of violative behavior as non-technical, technical with no reincarceration authorized, technical with reincarceration authorized, and/or absconding; the process for the issuance of notices of violation and warrants for retaking and the contents of the required notice; the time to hold the recognizance, preliminary and final revocation hearings; the provisions governing the conduct of such hearings; the calculation of time assessments, including the manner in which violations are aggregated for the purpose of determining legally au-

thorized time assessments; the procedures for facilitating the presence of non-profit service providers at final revocation hearings and; the determination of the Board that the regulations would have no substantial adverse impact on jobs or employment opportunities.

The concerns expressed by these comments included both statements that provisions of the rulemaking were unlawful in that they were either unauthorized by statute or prohibited by statute or other legal principle and statements that the rules, if lawful, represented inadvisable policy.

An Assessment of Public Comment (hereinafter "First Assessment") was published on the DOCCS website (www.doccs.ny.gov/rules-regulations), as part of the emergency re-adoption of the rules published in the July 20, 2022 issue of the State Register responding to the comments received and noting that, with respect to certain comments, further consideration would be made by the Board. No new comments were received after First Assessment.

The Board has completed its consideration of the comments received and, where appropriate, has revised the rulemaking. The Board has determined that, as revised, the rulemaking is consistent with the applicable law.

The full text of the Assessment of Public Comments may be found on the agency's website at: <https://doccs.ny.gov/rules-regulations>

Commission on Ethics and Lobbying in Government

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Ethics Training for Lobbyists and Clients

I.D. No. ELG-01-23-00006-EP

Filing No. 1045

Filing Date: 2022-12-20

Effective Date: 2022-12-20

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

Proposed Action: Amendment of Part 943 of Title 19 NYCRR.

Statutory authority: Executive Law, section 94(1), (5)(a), (8)(d); Legislative Law, art. 1-A, section 1-d(a) and (h)

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

Specific reasons underlying the finding of necessity: The regulatory amendments are necessary to conform to the Ethics Commission Reform Act of 2022, L 2022, ch 56, § 1, Part QQ ("ECRA") which mandated that the Commission on Ethics and Lobbying in Government ("Commission") must develop and administer training courses for lobbyists and clients. Before ECRA, only lobbyists were required to take an online ethics course, as provided and set forth in Section 1-d(h) of the Lobbying Act. Since the lobbying regulations currently provide for training of lobbyists only, the regulatory amendments are necessary to conform the training provisions to include clients and facilitate the expeditious and efficient performance of the Commission's training mandate.

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

Subject: Ethics training for lobbyists and clients.

Purpose: To establish requirements related to ethics training for lobbyists and clients mandated by law.

Text of emergency/proposed rule: Pursuant to the authority vested in section 94 of the Executive Law and Article 1-A of the Legislative Law, Part 943 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended, to be effective upon filing as an Emergency Adoption and upon publication of a Notice of Adoption in the New York State Register, to read as follows:

TITLE 19. DEPARTMENT OF STATE
CHAPTER XX. [JOINT COMMISSION ON PUBLIC ETHICS] COMMISSION ON ETHICS AND LOBBYING IN GOVERNMENT
PART 943 LOBBYING

Subdivision (b) of section 943.5 is amended to read as follows:

(b) Online Ethics Training for Lobbyists and Clients

(1) All [Individual] Lobbyists (*Principal Lobbyists and Individual*

Lobbyists) and all Clients (*Contractual Clients and Beneficial Clients*) listed on a Statement of Registration commencing with the biennial period 2023-2024 and thereafter, must complete [an] the online ethics training for Lobbyists and Clients, as provided by the Commission[.];

(i) For organizations that engage in lobbying activity as either a Lobbyist or Client, the organization's Chief Administrative Officer is responsible for completing the training on behalf of the organization.

(2) Such training must be completed [by an Individual Lobbyist] once every three years, as follows:

(i) Complete the training within 60 days of the submission of the initial Statement of [r]Registration commencing with the 2023-2024 biennial period;

(ii) Complete the training again within three years of the date the Lobbyist or Client first or subsequently completed the training, if such Lobbyist or Client is still listed on an active Statement of Registration [registered to lobby] at such time; and/or

(iii) If there is a lapse in a Lobbyist[']s or Client being listed on an active Statement of [r]Registration, such Lobbyist or Client must complete the training again within 60 days of either being listed on a Statement of [re-r]Registration [to lobby] or three years from the date such Lobbyist or Client last completed such training, whichever is later.

(iv) The 60-day period for completing training will be measured from the earliest submission date listing a Lobbyist or Client on a Statement of Registration, commencing with the 2023-2024 biennial period and thereafter.

(3) Lobbyists and Clients (including the Chief Administrative Officers of organizations engaged in lobbying activity as a Lobbyist or Client, as applicable) will be required to enter training compliance information into the Commission's online lobbying application, as directed by the Commission.

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 March 19, 2023.

Text of rule and any required statements and analyses may be obtained from: Carol Quinn, Commission on Ethics and Lobbying in Government, 540 Broadway, Albany, New York 12207, (518) 408-3976, email: carol.quinn@ethics.ny.gov

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

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

Regulatory Impact Statement

1. Statutory Authority: Executive Law § 94(1)(a) provides the Commission on Ethics and Lobbying in Government ("Commission") with the responsibility to administer, enforce and interpret New York State's ethics and lobbying laws. Subsection 94(5)(a)(i) authorizes the Commission to adopt, amend and rescind any rules and regulations pertaining to the statutes within its jurisdiction. Subsection 94(8)(d) requires the Commission to develop and administer training courses for lobbyists and clients of lobbyists. Legislative Law Article 1-A Section 1-d(h) authorizes and requires the Commission to provide an online ethics training course for lobbyists and sets forth requirements related thereto.

2. Legislative Objectives: The Ethics Commission Reform Act of 2022 ("ECRA") established the Commission on Ethics and Lobbying in Government as the agency responsible for administering, enforcing and interpreting New York State's ethics and lobbying laws, including the provision of mandatory ethics training for lobbyists and clients.

3. Needs and Benefits: This Emergency Adoption and Proposed Rule amends 19 NYCRR Part 943 to conform to new Section 94 of the Executive Law, established by ECRA, which mandates that the Commission must develop and administer training courses for lobbyists and clients. Before ECRA, only lobbyists were required to take an online ethics course, as set forth in Section 1-d(h) of the Lobbying Act. Since the lobbying regulations currently provide for training of lobbyists only, the regulatory amendments are necessary to conform the training provisions to include clients and facilitate the expeditious and efficient performance of the Commission's training mandate.

4. Costs:

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

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

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

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

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

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

8. Alternatives: ECRAs repealed and replaced Section 94 of the Executive Law to establish the Commission on Ethics and Lobbying in Government as the agency responsible for administering, enforcing and interpreting the State’s ethics and lobbying laws. It further established a mandatory ethics training requirement for both lobbyists and clients. Therefore, there is no alternative to amending the Commission’s existing regulations to conform to ECRAs.

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

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not submitted with this Notice of Emergency Adoption and Proposed Rulemaking because the rulemaking will not impose any adverse economic impact on rural areas, nor will it require or impose any reporting, record-keeping, or other affirmative acts on the part of rural areas. The Commission on Ethics and Lobbying in Government makes this finding based on the fact that the rule implements current law and, therefore, imposes no new requirements on such entities. Rural areas are not affected.

Job Impact Statement

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

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

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

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

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

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

Purpose: To permit the use of Secured Overnight Financing Rate as a replacement benchmark for London Inter-Bank Offered Rate.

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

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

Section 334.1 is amended to read as follows:

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

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

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

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire March 18, 2023.

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

Regulatory Impact Statement

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

Department of Financial Services

EMERGENCY RULE MAKING

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

I.D. No. DFS-01-23-00004-E

Filing No. 1044

Filing Date: 2022-12-19

Effective Date: 2022-12-19

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Department of Health

EMERGENCY RULE MAKING

Face Coverings for COVID-19 Prevention

I.D. No. HLT-50-21-00003-E

Filing No. 1041

Filing Date: 2022-12-15

Effective Date: 2022-12-15

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

Action taken: Addition of section 2.60 to Title 10 NYCRR.

Statutory authority: Public Health Law, sections 201, 206 and 225

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

Specific reasons underlying the finding of necessity: The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory and other symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults and/or those who have serious underlying medical health conditions.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

Now, more than two years after the first cases were identified in the United States, New York continues to experience significant community levels of COVID-19 disease with very densely populated areas at "high" and many highly populated counties at "medium." New York still has a 7-day average of over 3,400 cases per day, and over 2,700 people in the hospital affected by COVID each day. Regrettably, New York still averages 31 deaths per day associated with COVID-19. Beyond the ongoing COVID-19 burden in communities, certain settings such as nursing homes and health care settings, have been at increased risk for transmission.

Severe Acute Respiratory Syndrome Coronavirus -2 (SARS-CoV2) still mutates, although the current dominant strain is BQ1, a subvariant of Omicron, new more contagious variants continue to emerge, with CH1 the latest to emerge in New York and the country. The threat from emerging variants includes their unknown virulence affecting morbidity and mortality. It is also unknown how well existing vaccines or pharmacotherapeutics will protect against emerging variants.

To that end, these regulations provide that masking may be required under certain circumstances, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. Based on the foregoing, the Department has determined that these emergency regulations are necessary to permit flexibility to quickly adapt to changing circumstances and increasing transmission rates and control the spread of COVID-19, necessitating immediate action. Accordingly, pursuant to the State Administrative Procedure Act Section 202(6), a delay in the issuance of these emergency regulations would be contrary to public interest.

Subject: Face Coverings for COVID-19 Prevention.

Purpose: To control and promote the control of communicable diseases to reduce their spread.

Text of emergency rule: Section 2.60 is added to read as follows:

2.60. Face Coverings for COVID-19 Prevention.

(a) As determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread, any person who is two years of age or older and able to medically tolerate a face-covering may be required to cover their nose and mouth with a mask or face-covering when: (1) in a public place and unable to maintain, or when not maintaining, physical distance; or (2) in certain settings as determined by the Commissioner, which may include schools, public transit, homeless shelters, correctional facilities, nursing homes, and health care settings, and which may distinguish between individuals who are vaccinated against COVID-19 and those that are not vaccinated. The Commissioner shall issue findings regarding the necessity of face-covering requirements at the time such requirements are announced.

(b) Businesses must provide, at their expense, face-coverings for their employees required to wear a mask or face-covering pursuant to subdivision (a) of this section.

(c) Large-scale indoor event venues with more than five thousand attendees shall require patrons to wear face coverings consistent with subdivision (a) of this section; may require all patrons to wear a face covering irrespective of vaccination status; and may deny admittance to any person who fails to comply. This regulation shall be applied in a manner consistent with the federal Americans with Disabilities Act, New York State or New York City Human Rights Law, and any other applicable provision of law.

(d) No business owner shall deny employment or services to or discriminate against any person on the basis that such person elects to wear a face-covering that is designed to inhibit the transmission of COVID-19, but that is not designed to otherwise obscure the identity of the individual.

(e) For purposes of this section face-coverings shall include, but are not limited to, cloth masks, surgical masks, and N-95 respirators that are worn to completely cover a person's nose and mouth.

(f) Penalties and enforcement.

(i) A violation of any provision of this Section is subject to all civil and criminal penalties as provided for by law. Individuals or entities that violate this Section are subject to a maximum fine of \$1,000 for each violation. For purposes of civil penalties, each day that an entity operates in a manner inconsistent with the Section shall constitute a separate violation under this Section.

(ii) All local health officers shall take such steps as may be necessary to enforce the provisions of this Section accordance with the Public Health Law and this Title.

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt the provisions of this emergency rule as a permanent rule, having previously submitted to the Department of State a notice of proposed rule making, I.D. No. HLT-50-21-00003-P, Issue of December 15, 2021. The emergency rule will expire February 12, 2023.

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: regsqa@health.ny.gov

Regulatory Impact Statement

Statutory Authority:

The statutory authority for adding a new Section 2.60 is sections 201, 206, and 225 of the Public Health Law.

Legislative Objectives:

The legislative objective of PHL § 201 includes authorizing the New York State Department of Health ("Department") to control and promote the control of communicable diseases to reduce their spread. Likewise, the legislative objective of PHL § 206 includes authorizing the Commissioner of Health to take cognizance of the interests of health and life of the people of the state, and of all matters pertaining thereto and exercise the functions, powers and duties of the department prescribed by law, including control of communicable diseases. The legislative objective of Public Health Law § 225 is, in part, to protect the public health by authorizing PHHPC, with the approval of the Commissioner, to amend the State Sanitary Code to address public health issues related to communicable disease.

Needs and Benefits:

The 2019 Coronavirus (COVID-19) is a disease that causes mild to severe respiratory and other symptoms, including fever, cough, and difficulty breathing. People infected with COVID-19 have had symptoms ranging from those that are mild (like a common cold) to severe pneumonia that requires medical care in a general hospital and can be fatal, with a disproportionate risk of severe illness for older adults, those who have serious underlying medical health conditions and those who are unvaccinated.

On January 30, 2020, the World Health Organization (WHO) designated the COVID-19 outbreak as a Public Health Emergency of International Concern. On a national level, the Secretary of Health and Human Services determined on January 31, 2020 that as a result of confirmed cases of COVID-19 in the United States, a public health emergency existed and had existed since January 27, 2020, nationwide. Thereafter, the situation rapidly evolved throughout the world, with many countries, including the United States, quickly progressing from the identification of travel-associated cases to person-to-person transmission among close contacts of travel-associated cases, and finally to widespread community transmission of COVID-19.

Now, more than two years after the first cases were identified in the United States COVID-19 continues to impact New York State. Beyond the ongoing COVID-19 burden in communities, certain settings such as nursing homes and health care settings, have been at increased risk for transmission. These regulations provide that masking may be required under certain circumstances, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread. The regulations are necessary to permit flexibility to allow the Department to quickly adapt to changing circumstances related to the spread of COVID-19 and increasing transmission rates.

Costs:

Costs to Regulated Parties:

As part of ongoing efforts to address COVID-19, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Accordingly, this regulation does not impose additional costs to regulated parties.

Costs to Local and State Governments:

State and local government are authorized to enforce civil and criminal

penalties related to the violation of these regulations, and there may be some cost of enforcement, however such costs are anticipated to be minimal as these provisions continue existing enforcement requirements.

Paperwork:

This regulation imposes no additional paperwork.

Local Government Mandates:

As part of ongoing efforts to address COVID-19, local governments have been partners in implementing and enforcing measures to limit the spread and/or mitigate the impact of COVID-19 within their jurisdictions since March of 2020. Further, local governments have separate authority and responsibilities to control disease within their jurisdictions pursuant to PHL § 2100 and Part 2 of the State Sanitary Code.

Duplication:

There is no duplication of federal law.

Alternatives:

The alternative would be to not promulgate these emergency regulations. However, this alternative was rejected, as the Department believes this regulation will facilitate the Department’s ability to respond to the evolving nature of this serious and ongoing communicable disease outbreak.

Federal Standards:

States and local governments have primary authority for controlling disease within their respective jurisdictions. Accordingly, there are no federal statutes or regulations that apply to disease control within NYS.

Compliance Schedule:

The regulations will become effective upon filing with the Department of State and will expire, unless renewed, 60 days from the date of filing. As COVID-19 is consistently and rapidly changing, it is not possible to determine the expected duration of need at this point in time. The Department will continuously evaluate the expected duration of these emergency regulations throughout the aforementioned 60-day effective period in making determinations on the need for continuing this regulation on an emergency basis or issuing a notice of proposed ruling-making for permanent adoption. This notice does not constitute a notice of proposed or revised rule making for permanent adoption.

Regulatory Flexibility Analysis

Effect of Rule:

As part of ongoing efforts to address COVID-19, businesses and local government have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Accordingly, this regulation will not have a significant impact on or cost to small business and local government.

Compliance Requirements:

These regulations update previously filed emergency regulations to provide that masking may be required under certain circumstances, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread.

Professional Services:

It is not expected that any professional services will be needed to comply with this rule.

Compliance Costs:

As part of ongoing efforts to address COVID-19, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Accordingly, this regulation will not have a significant impact.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

As part of ongoing efforts to address COVID-19, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Accordingly, any adverse impacts are expected to be minimal.

Small Business and Local Government Participation:

Due to the emergent nature of COVID-19, small business and local governments were not consulted.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

While this rule applies uniformly throughout the state, including rural areas, for the purposes of this Rural Area Flexibility Analysis (RAFA), “rural area” means areas of the state defined by Exec. Law § 481(7) (SAPA § 102(10)). Per Exec. Law § 481(7), rural areas are defined as “counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, and programs and such other entities or resources found therein. In counties of two hundred thousand or greater population ‘rural areas’ means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein.”

The following 44 counties have an estimated population of less than 200,000 based upon the 2019 United States Census county populations projections:

Allegany County	Greene County	Schoharie County
Cattaraugus County	Hamilton County	Schuyler County
Cayuga County	Herkimer County	Seneca County
Chautauqua County	Jefferson County	St. Lawrence County
Chemung County	Lewis County	Steuben County
Chenango County	Livingston County	Sullivan County
Clinton County	Madison County	Tioga County
Columbia County	Montgomery County	Tompkins County
Cortland County	Ontario County	Ulster County
Delaware County	Orleans County	Warren County
Essex County	Oswego County	Washington County
Franklin County	Otsego County	Wayne County
Fulton County	Putnam County	Wyoming County
Genesee County	Rensselaer County	Yates County
	Schenectady County	

The following counties of have population of 200,000 or greater, and towns with population densities of 150 person or fewer per square mile, based upon the 2019 United States Census population projections:

Albany County	Monroe County	Orange County
Broome County	Niagara County	Saratoga County
Dutchess County	Oneida County	Suffolk County
Erie County	Onondaga County	

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

These regulations update previously filed emergency regulations to provide that masking may be required under certain circumstances, as determined by the Commissioner based on COVID-19 incidence and prevalence, as well as any other public health and/or clinical risk factors related to COVID-19 disease spread.

Costs:

As part of ongoing efforts to address COVID-19, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Accordingly, this regulation does not impose additional costs to regulated parties.

Economic and Technological Feasibility:

There are no economic or technological impediments to the rule changes.

Minimizing Adverse Impact:

As part of ongoing efforts to address COVID-19, regulated parties have been a partner in implementing measures to limit the spread and/or mitigate the impact of COVID-19 within the state since March of 2020. Accordingly, adverse impacts are expected to be minimal.

Rural Area Participation:

Due to the emergent nature of COVID-19, parties representing rural areas were not consulted.

Job Impact Statement

The Department of Health has determined that this regulatory change is necessary to prevent further complete closure of the businesses impacted, and therefore, while there may be lost revenue for many businesses, the public health impacts of continued spread of COVID-19 are much greater.

Assessment of Public Comment

Since the Emergency Regulation was last adopted the Department of Health (“Department”) received a few additional public comments. The majority of these commenters expressed opposition to the re-adoption of the emergency regulation and the use of face coverings more broadly. Commenters also expressed concerns over the effectiveness of face masks. These alternatives were not incorporated into the emergency regulation because it would significantly undermine the Department’s ability to control the spread of COVID-19 and would render the emergency regulation ineffective. Based on these additional comments, no changes are being made to the emergency regulation.

NOTICE OF ADOPTION

Private Duty Nursing (PDN) Services to Medically Fragile Adults

I.D. No. HLT-39-22-00019-A
Filing No. 1042
Filing Date: 2022-12-15
Effective Date: 2023-01-04

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

Action taken: Amendment of section 505.8 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 363-a(2) and 367-r

Subject: Private Duty Nursing (PDN) Services to Medically Fragile Adults.

Purpose: To increase PDN fee-for-service reimbursement for nursing services provided to medically fragile adults.

Text or summary was published in the September 28, 2022 issue of the Register, I.D. No. HLT-39-22-00019-P.

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

Text of rule and any required statements and analyses may be obtained from: Katherine Ceroalo, DOH, Bureau of Program Counsel, Reg. Affairs Unit, Room 2438, ESP Tower Building, Albany, NY 12237, (518) 473-7488, email: regsqa@health.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 2028, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

The Department of Health (“Department”) received one comment, from Lauren George, supporting the proposed amendment of Section 505.8, Nursing Service, Reimbursement. The comment is summarized below with the Department’s response.

COMMENT: Ms. George stated, “As a Registered Nurse in an acute care Level I Trauma Center Hospital, I can very much advocate for the proposed rule Amendment of Section 505.8 of Title 18 NYCRR (Private Duty Nursing Services to Medically Fragile Adults).

RESPONSE: The Department concurs.

NOTICE OF EXPIRATION

The following notices have expired and cannot be reconsidered unless the Department of Health publishes a new notice of proposed rule making in the NYS Register.

Investigation of Communicable Disease; Isolation and Quarantine

I.D. No.	Proposed	Expiration Date
HLT-50-21-00002-EP	December 15, 2021	December 15, 2022

Face Coverings for COVID-19 Prevention

I.D. No.	Proposed	Expiration Date
HLT-50-21-00003-EP	December 15, 2021	December 15, 2022

Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH’s) and Adult Care Facilities (ACF’s)

I.D. No.	Proposed	Expiration Date
HLT-50-21-00004-EP	December 15, 2021	December 15, 2022

Division of Housing and Community Renewal

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

Amendments to Regulations of the Affordable Home Ownership Development Program

I.D. No. HCR-01-23-00002-P

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

Proposed Action: This is a consensus rulemaking to amend sections 2162.1, 2162.2, 2162.3, 2163.1(a); and add section 2163.2(j) to Title 21 NYCRR.

Statutory authority: L. 2021, ch. 777, sections 1-3; L. 2012, ch. 64, section 1

Subject: Amendments to Regulations of the Affordable Home Ownership Development Program.

Purpose: Comport with above cited statutory amendments.

Text of proposed rule: 21 NYCRR § 2162.1 is amended as follows:

Grants will be limited to the lesser of:

(a) 60 percent of the project cost, or when such rehabilitation project does not involve an acquisition component, 100 percent of the project cost; or

(b) the following per dwelling unit limitations:

- (1) [\$35,000] \$50,000 for projects except as provided hereinafter; or
- (2) [\$40,000] \$75,000 for a high cost project or a project which will receive a loan from the Federal Farmers Home Administration.

No more than 50 percent of the appropriated funds shall be allocated to homes within a single municipality in any fiscal year. A project may be deemed to be a high cost project if the project is located within a high cost area, or it is demonstrated to the satisfaction of the corporation that the additional subsidy of as much as \$25,000 per dwelling unit [subsidy] available to high cost projects would make housing in such project affordable to households with incomes at or below 80 percent of the applicable area median income.

21 NYCRR § 2162.2 is amended as follows:

Grant funds may be used only for the construction, rehabilitation or improvement of one- to four-family dwellings, including cooperatives and condominiums, which are or will be owner-occupied. Grant funds may be used for the acquisition of property only as part of projects and programs for the construction or rehabilitation of homes. Grant funds that do not exceed ten percent of the Total Development Cost may be used for administrative or operating expenses, including expenses related to the organization, operating support and administration of the project.

21 NYCRR § 2162.3 is amended as follows:

Grant funds exceeding ten percent of the Total Development Cost of the project may not be applied to administrative costs incurred by an eligible applicant or grantee, nor to any other costs which are not directly related to the construction, rehabilitation or improvement of homes. In the event that homes are to be located in a mixed-use structure, then any costs associated with the nonresidential uses are ineligible costs.

21 NYCRR § 2163.1(a) is amended as follows:

(a) From time to time and as funds become available, the corporation will issue requests for proposals. Proposals from eligible applicants that meet the minimum threshold requirements will be judged on a competitive basis. In determining awards in relation to such proposals, the corporation shall establish such tiered project funding levels based on length and depth of affordability as in its discretion are deemed applicable.

21 NYCRR § 2163.2 is amended to add new subdivision (j) as follows:

(j) In the case of projects that receive an award of over forty thousand dollars, the Grantee may establish resale restrictions requiring the sale of the unit or units receiving such funding through a grant from the Corporation be purchased only by qualified low-income homebuyers extending for a period of at least sixty years, but no more than ninety-nine years, and the Grantee may ensure this resale restriction by use of deed restrictions, community land trusts, or limited-equity cooperative ownership structure.

Text of proposed rule and any required statements and analyses may be obtained from: Brooke Davis, Division of Homes and Community Renewal, 641 Lexington Ave., New York, NY 10022, (212) 872-0543, email: brooke.davis@hcr.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.

Consensus Rule Making Determination

The Affordable Housing Corporation (AHC) has found that no person is likely to object to the amendments to the Rule at 21 NYCRR Parts 2162 and 2163 (the “Revised Rule”). AHC proposes minor amendments to comport with Sections 1-3 of Chapter 777 of the Laws of 2021 and Section 1 of Chapter 64 of the Laws of 2012. All proposed regulatory changes contained herein reflect ministerial updates to comport with the requirements of the aforementioned chapter laws and contain no interpretations of such laws.

Job Impact Statement

The Affordable Housing Corporation (AHC) has found that the amendments to the Rule at 21 NYCRR Parts 2162 and 2163 (the “Revised Rule”) will have no adverse impact on jobs and employment opportunities. AHC’s experience with the Affordable Home Ownership Development Program

and the nature of the amendments are such that no adverse impact should be anticipated. In addition, the Revised Rule does not include any diminution of the quality or materials of the affordable housing to be built which could result in a decrease of employment opportunities.

The Revised Rule provides a potential benefit of creating jobs and opportunities for self-employment by expanding applicable grant limits and providing for the establishment of tiered project funding levels based on length and depth of affordability. Such changes may encourage qualified businesses to participate in the development of affordable housing.

Public Service Commission

NOTICE OF ADOPTION

Extension of the SUSF

I.D. No. PSC-04-22-00004-A

Filing Date: 2022-12-15

Effective Date: 2022-12-15

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

Action taken: On 12/15/22, the PSC adopted an order extending the State Universal Service Fund (SUSF) through December 31, 2026.

Statutory authority: Public Service Law, sections 4, 5, 90, 91, 92, 94 and 97

Subject: Extension of the SUSF.

Purpose: To extend the SUSF through December 31, 2026.

Substance of final rule: The Commission, on December 15, 2022, adopted an order extending the State Universal Service Fund (SUSF) through December 31, 2026, with support amounts frozen to current recipients at current levels with the exception of the recovery through the SUSF of revenue losses resulting from the phasedown of intrastate access charges in the Order Implementing Access Charge Reform, issued on October 3, 2014, in Case 09-M-0527. Incumbent Local Exchange Carriers (ILECs) that are receiving SUSF support in 2025 and that will request SUSF support after 2026 shall file location data on or before December 29, 2025 and financial data on or before March 31, 2026. Any future petition by an ILEC for a further extension of the SUSF must be filed on or before September 1, 2025 and must propose at least one alternative that is targeted to protect only basic service consumers who lack access to services from a competitor or competitors that provide an adequate technical substitute for basic service, subject to the terms and conditions set forth in the order.

Text or summary was published in the January 26, 2022 issue of the Register, I.D. No. PSC-04-22-00004-P.

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

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

Assessment of Public Comment

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

(15-M-0742SA3)

NOTICE OF ADOPTION

Phase 1 Transmission Qualifying Projects

I.D. No. PSC-04-22-00005-A

Filing Date: 2022-12-15

Effective Date: 2022-12-15

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

Action taken: On 12/15/22, the PSC adopted an order authorizing New York State Electric & Gas Corporation (NYSEG) to continue advancing 27 of the 46 Phase 1 Transmission projects identified as Qualifying Projects, subject to conditions and spending limitations.

Statutory authority: Public Service Law, sections 4, 5, 65, 66 and the Accelerated Renewable Energy Growth and Community Benefit Act of 2020.

Subject: Phase 1 Transmission Qualifying Projects.

Purpose: To authorize NYSEG to continue advancing Qualifying Projects, subject to conditions and spending limitations.

Substance of final rule: The Commission, on December 15, 2022, adopted an order authorizing New York State Electric & Gas Corporation to continue advancing 27 of the 46 Phase 1 Transmission projects identified as Qualifying Projects, subject to conditions and spending limitations, subject to the terms and conditions set forth in the order.

Text or summary was published in the January 26, 2022 issue of the Register, I.D. No. PSC-04-22-00005-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.

(20-E-0197SA10)

NOTICE OF ADOPTION

Electric Metering Equipment

I.D. No. PSC-20-22-00012-A

Filing Date: 2022-12-19

Effective Date: 2022-12-19

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

Action taken: On 12/15/22, the PSC adopted an order approving DENT Instruments, Incorporated's (DENT) petition to use the DENT Instruments PowerScout Multi-Circuit Power Submeter in electric submetering applications in New York State.

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

Subject: Electric metering equipment.

Purpose: To approve DENT's petition to use electric metering equipment.

Text or summary was published in the May 18, 2022 issue of the Register, I.D. No. PSC-20-22-00012-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-0179SA1)

NOTICE OF ADOPTION

Transfer of Assets

I.D. No. PSC-23-22-00022-A

Filing Date: 2022-12-16

Effective Date: 2022-12-16

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

Action taken: On 12/15/22, the PSC adopted an order approving, with modifications, the sale of the assets of Arbor Hills Waterworks, Inc. (Arbor Hills) to Liberty Utilities (New York Water) Corp. and the dissolution of Arbor Hills once the transfer is complete.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), 89-c(10) and 89-h(1)

Subject: Transfer of assets.

Purpose: To approve, with modifications, the sale of assets of Arbor Hills to Liberty Utilities.

Substance of final rule: The Commission, on December 15, 2022, adopted

an order approving, with modifications, the sale of the assets of Arbor Hills Waterworks, Inc. (Arbor Hills) to Liberty Utilities (New York Water) Corp. (Liberty) and the dissolution of Arbor Hills once its assets have been transferred to Liberty. Liberty shall file with the Secretary to the Commission copies of documents showing proof of the sale and copies of journal entries recording the transaction within 30 days of the date of closing. Liberty is authorized to create regulatory asset/liability to capture the under or over-collection of revenues versus operating and maintenance expenses at Arbor Hills from July 1, 2021, through the effective date of Commission-approved rates in Liberty's next rate proceeding. Liberty is authorized to create a regulatory asset for capital investments made in the Arbor Hills system, from March 9, 2017, through the effective date of Commission-approved rates in Liberty's next rate proceeding, and is authorized to accrue interest on this regulatory asset, from July 1, 2021, at the pre-tax rate of return authorized in Liberty's most recent rate plan per discussion in the order. Liberty is directed to work with Department of Public Service Staff to file revisions to its tariff schedule to reflect the incorporation of Arbor Hills as a service territory; to reflect the billing of Arbor Hills' current rates, at monthly increments; and to incorporate the Emergency and Revenue Surcharge statements per the discussion in the order. These tariff amendments are to be filed on not less than five days' notice, to become effective February 1, 2023. Arbor Hills is directed to file a subsequently numbered supplement, canceling its tariff schedule P.S.C. No. 3 – Water, supplements, and statements, effective February 1, 2023, on not less than five days' notice. Liberty is directed to inform Arbor Hills' customers about the acquisition via e-newsletters, e-mail campaigns, printed bill messages, social media, Liberty's website, and press releases to local mainstream media within 90 days of the issuance of the order. Liberty shall file with the Secretary to the Commission an outreach and education plan with these communications within 60 days of the issuance of the order. Liberty is directed to include Arbor Hills customer complaints in its semi-annual customer complaint filing. Arbor Hills is authorized to dissolve upon closing of the transfer of assets and the Secretary to the Commission is directed to endorse the consent and approval of the Commission for Arbor Hills Waterworks, Inc.'s Certificate of Dissolution. Within ten days after filing the Certificate of Dissolution with the Secretary of State, Arbor Hills shall submit verified proof of the filing to the Secretary to the Commission, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 8, 2022 issue of the Register, I.D. No. PSC-23-22-00022-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-W-0283SA1)

NOTICE OF ADOPTION

Increase in Annual Revenues

I.D. No. PSC-26-22-00009-A

Filing Date: 2022-12-16

Effective Date: 2022-12-16

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

Action taken: On 12/15/22, the PSC adopted an order authorizing William K. Green (Green) to increase its annual revenues by \$10,694 and directs Green to file tariff leaves, to become effective on January 1, 2023.

Statutory authority: Public Service Law, sections 4(1), 5(1)(f), 89-c(1), (3), (10)(a), (10)(b) and (10)(f)

Subject: Increase in annual revenues.

Purpose: To authorize Green to increase its annual revenues.

Substance of final rule: The Commission, on December 15, 2022, adopted an order authorizing William K. Green (Green) to increase its annual revenues by \$10,694 and directs Green to file on not less than five days' notice revised Leaf No. 12 and original Leaf No. 13, to become effective January 1, 2023, as shown in Appendix D. Green shall notify its customers by direct mail of the Commission's decision in this proceeding and file a copy of the notification with the Secretary to the Commission no later than

January 31, 2023. Green shall update its customer billing invoices and other customer-facing materials to include: a statement on its billing invoices that includes the billing period and affirms that bills rendered to its customers are based on rates established by the Commission; the Company's contact information, including hours of operation, and the New York State Department of Public Service's contact information for complaint handling. Green shall use such updated invoices no later than its billing for the second quarter of 2023, and thereafter. Green shall file a copy of the revised sample bill, inclusive of the above information, with the Secretary to the Commission no later than March 31, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the June 29, 2022 issue of the Register, I.D. No. PSC-26-22-00009-P.

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

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

Assessment of Public Comment

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

(22-W-0300SA1)

NOTICE OF ADOPTION

Lightened Regulatory Regime and CPCN

I.D. No. PSC-27-22-00004-A

Filing Date: 2022-12-16

Effective Date: 2022-12-16

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

Action taken: On 12/15/22, the PSC adopted an order granting Hecate Energy Cider Solar, LLC (Hecate) a lightened regulatory regime and a Certificate of Public Convenience and Necessity (CPCN) for its 500 MW solar facility in Genesee County, New York.

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

Subject: Lightened regulatory regime and CPCN.

Purpose: To grant Hecate a lightened regulatory regime and CPCN.

Substance of final rule: The Commission, on December 15, 2022, adopted an order granting Hecate Energy Cider Solar, LLC (Hecate) a lightened regulatory regime and a Certificate of Public Convenience and Necessity (CPCN) in connection with its construction and operation of an approximately 500 megawatt (MW) solar photovoltaic (PV) generating facility in Genesee County, New York. Hecate shall comply with the Public Service Law in conformance with the requirements set forth in the body of the order. Hecate shall, within 30 days of the issuance of the order, file with the Secretary a verified written statement signed by a duly authorized officer indicating its complete and unconditional acceptance of the order and its terms and conditions. Failure to comply with this condition shall invalidate the order, subject to the terms and conditions set forth in the order.

Text or summary was published in the July 6, 2022 issue of the Register, I.D. No. PSC-27-22-00004-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-0343SA1)

NOTICE OF ADOPTION

Preferred Name And/or Pronouns

I.D. No. PSC-32-22-00027-A

Filing No. 1049

Filing Date: 2022-12-16

Effective Date: 2022-12-16

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

Action taken: On 12/15/22, the PSC adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Parts 11, 14, 533, and 609, to add new sections of regulations for the option to use preferred name and/or pronouns.

Statutory authority: Public Service Law, sections 31-a, 89-b(12) and General Business Law section 399-zzzzz

Subject: Preferred name and/or pronouns.

Purpose: To adopt the memorandum and resolution approving amendments to 16 NYCRR Parts 11, 14, 533, and 609.

Substance of final rule: The Commission, on December 15, 2022, adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Part 11, 14, 533, and 609, to add new sections of regulations to ensure that utility corporations, municipalities, water-works corporations, and telephone service providers provide applicants for and customers of residential service with an option to request the use of a preferred name and/or preferred pronouns in all written and oral communications, 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-32-22-00027-P.

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

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

Assessment of Public Comment

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

(22-M-0430SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-34-22-00003-A

Filing Date: 2022-12-19

Effective Date: 2022-12-19

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

Action taken: On 12/15/22, the PSC adopted an order approving 41-05 29th Street Owner, LLC's (41-05 29th Street) notice of intent to submeter electricity at 41-05 29th Street, Long Island City, 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 41-05 29th Street's notice of intent to submeter electricity.

Text or summary was published in the August 24, 2022 issue of the Register, I.D. No. PSC-34-22-00003-P.

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

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

Assessment of Public Comment

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

(22-E-0140SA1)

NOTICE OF ADOPTION

Clean Energy Standard Funding

I.D. No. PSC-34-22-00004-A

Filing Date: 2022-12-15

Effective Date: 2022-12-15

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

Action taken: On 12/15/22, the PSC adopted an order approving, with modifications, New York State Energy Research and Development Authority's (NYSERDA) petition for 2023 Clean Energy Standard administrative funding and reconciliation of 2021 administrative costs.

Statutory authority: Public Service Law, sections 4(1), 5(1), (2), 66(2), 66-p and New York Energy Law section 6-104(5)(b)

Subject: Clean Energy Standard Funding.

Purpose: To approve, with modifications, NYSEDA's petition for Clean Energy Standard funding and reconciliation.

Substance of final rule: The Commission, on December 15, 2022, adopted an order approving, with modifications, New York State Energy Research and Development Authority's (NYSEDA) petition for 2023 Clean Energy Standard administrative funding and reconciliation of 2021 administrative costs. The 2023 Clean Energy Standard administrative budget proposed by NYSEDA is approved, with modifications and NYSEDA is directed to file a revised 2023 Clean Energy Standard administrative budget reflecting these modifications within ten days of the effective date of the order. NYSEDA is authorized to use previously collected revenues including bid fees, forfeited contract security funds, Alternative Compliance Payments received, and interest income to fund the 2023 Clean Energy Standard compliance period of the Renewable Energy Standard, and is authorized to fund the 2023 Clean Energy Standard compliance period of the Zero-Emission Credit program through the Zero Emission Credit adder, as discussed in the body of the order. NYSEDA shall continue to file quarterly reports containing itemized expenses associated with the administration of the Renewable Energy Standard and Zero-Emission Credit programs, 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-34-22-00004-P.

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

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

Assessment of Public Comment

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

(15-E-0302SA55)

NOTICE OF ADOPTION

Gas Pipeline Safety Regulations

I.D. No. PSC-37-22-00008-A

Filing No. 1048

Filing Date: 2022-12-16

Effective Date: 2022-12-16

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

Action taken: On 12/15/22, the PSC adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Parts 10 and 255, regarding changes to the Commission's gas pipeline safety regulations.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Gas pipeline safety regulations.

Purpose: To adopt the memorandum and resolution approving amendments to 16 NYCRR Parts 10 and 255.

Substance of final rule: The Commission, on December 15, 2022, adopted a memorandum and resolution approving, as a final rule, amendments to 16 NYCRR Part 10 and 255, regarding changes to the Commission's gas

pipeline safety regulations. The changes update referenced materials and revise requirements for the welding, testing and use of plastic pipe in pipelines and pipeline corrosion monitoring, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 14, 2022 issue of the Register, I.D. No. PSC-37-22-00008-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.

(21-G-0571SA1)

NOTICE OF ADOPTION

Financing Arrangements

I.D. No. PSC-38-22-00003-A

Filing Date: 2022-12-16

Effective Date: 2022-12-16

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

Action taken: On 12/15/22, the PSC adopted an order authorizing Hecate Energy Cider Solar, LLC (Hecate) to enter into financing arrangements up to the maximum amount of \$350 million under lightened regulation.

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

Subject: Financing arrangements.

Purpose: To authorize Hecate to enter into financing arrangements.

Substance of final rule: The Commission, on December 15, 2022, adopted an order authorizing Hecate Energy Cider Solar, LLC (Hecate) to enter into financing arrangements, described in the petition filed on August 25, 2022 in Case 22-E-0493, and discussed in the body of the order, up to the maximum amount of \$350 million under lightened regulation in connection with its construction and operation of an approximately 500 megawatt (MW) solar photovoltaic (PV) generating facility in Genesee County, New York, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 21, 2022 issue of the Register, I.D. No. PSC-38-22-00003-P.

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

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

Assessment of Public Comment

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

(22-E-0493SA1)

NOTICE OF ADOPTION

Modifications to the NYSRC Reliability Rules

I.D. No. PSC-40-22-00006-A

Filing No. null

Filing Date: 2022-12-16

Effective Date: 2022-12-16

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

Action taken: On 12/15/22, the PSC adopted an order adopting modifications to the New York State Reliability Council (NYSRC) Reliability Rules contained in Version 46 of the Reliability Rules & Compliance Manual of the NYSRC.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: Modifications to the NYSRC Reliability Rules.

Purpose: To adopt modifications to the NYSRC Reliability Rules.

Substance of final rule: The Commission, on December 15, 2022, adopted an order adopting modifications to the New York State Reliability Council (NYSRC) Reliability Rules contained in Version 46 of the Reliability Rules & Compliance Manual of the NYSRC, to be included in the New York State reliability standards and rules, subject to the terms and conditions set forth in the order.

Text or summary was published in the October 5, 2022 issue of the Register, I.D. No. PSC-40-22-00006-P.

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

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

Assessment of Public Comment

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

(05-E-1180SA20)

NOTICE OF ADOPTION

Tariff Amendment

I.D. No. PSC-41-22-00018-A

Filing Date: 2022-12-16

Effective Date: 2022-12-16

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

Action taken: On 12/15/22, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) tariff amendment to P.S.C. No. 220—Electricity, to become effective on January 1, 2023.

Statutory authority: Public Service Law, sections 65 and 66

Subject: Tariff amendment.

Purpose: To approve National Grid's tariff amendment.

Substance of final rule: The Commission, on December 15, 2022, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's tariff amendment to P.S.C. No. 220 – Electricity, to revise the reconciliation frequency of the Non-Wires Alternative Incentive Mechanism Surcharge from monthly to annually, to become effective on January 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the October 12, 2022 issue of the Register, I.D. No. PSC-41-22-00018-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-0530SA1)

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

Distribution-Level Demand Response Programs

I.D. No. PSC-01-23-00007-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 Consolidated Edison Company of New York, Inc.'s annual report detailing demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution-level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering Consolidated Edison Company of New York, Inc.'s (Con Edison or the Company) annual report filed on November 15, 2022, detailing the Company's five demand response programs: (1) Rider T – Commercial System Relief Program (CSR); (2) Rider T – Distribution Load Relief Program (DLRP); (3) Rider AC – Direct Load Management (DLM) Program – Auto-DLM; (4) Rider AC – Direct Load Management (DLM) Program –Term-DLM; and (5) Rider L – Direct Load Control Program (DLC) through the Bring Your Own Thermostat (BYOT) program.

The Company notes that the size of the CSR and DLRP programs increased from 2021 to 2022 in terms of megawatts (MW) and number of enrolled customers, and it expects this increase to continue in future years. Con Edison also notes that the DR programs continue to serve as valuable and cost-effective resources for providing load relief when peak shaving and contingency needs arise.

The full text of the annual report 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 is accepting comments for the purpose of providing stakeholders a formal opportunity to submit suggestions or questions related to the annual report; the Commission may adopt, reject, or modify, in whole or in part, the commenters' proposed programmatic changes, and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle 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.

(14-E-0423SP10)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Distribution-Level Demand Response Programs

I.D. No. PSC-01-23-00008-P

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

Proposed Action: The Commission is considering Central Hudson Gas & Electric Corporation's annual report detailing demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution-level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering Central Hudson Gas & Electric Corporation's (Central Hudson or the Company) annual report, filed on November 15, 2022, detailing the Company's distribution level demand response program, which is comprised solely of the Commercial System Relief Program (CSR). The CSR is available to qualifying customers anywhere in the Central Hudson service territory. Program rules and operational parameters are included within Central Hudson's Electric Tariff P.S.C. No. 15 – Electricity, electric leaves 163.5.40 through 163.5.47.

Central Hudson does not propose any specific program changes for the 2023 capability period and proposed no tariff changes related to the provisions. Central Hudson did not operate an Auto- or Term-DLM program for the 2022 Capability period as no bids were received in response to its second solicitation on December 1, 2021. The Company expects to release its third Auto- and Term-DLM Solicitation in December 2022 for the 2023 Capability Period.

The full text of the annual report 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 is accepting comments for the purpose of providing stakeholders a formal opportunity to submit suggestions or questions related to the annual report; the Commission may adopt, reject,

or modify, in whole or in part, the commenters' proposed programmatic changes, and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle 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.

(14-E-0423SP9)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Transfer of Direct Ownership of Cable Television Facilities and 5 Municipal Franchises

I.D. No. PSC-01-23-00009-P

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

Proposed Action: The Commission is considering a joint petition to transfer ownership and control of Germantown Telephone Company, Inc. (GTel), Valstar, Inc. (Valstar) and Hilltop Communications, Inc. (Hilltop) from GTel to Archtop Fiber LLC.

Statutory authority: Public Service Law, section 222

Subject: Transfer of direct ownership of cable television facilities and 5 municipal franchises.

Purpose: To ensure performance in accordance with applicable cable laws, regulations and standards in the public interest.

Substance of proposed rule: The Public Service Commission is considering a joint petition, filed on December 7, 2022 by Archtop Fiber LLC, et. al., requesting Commission approval of a holding company level transaction that will result in the transfer of control of Germantown Telephone Company, Inc. (GTel), Valstar, Inc. (Valstar), and Hilltop Communications, Inc. (Hilltop) to Archtop, including the transfer of control of Hilltop's cable systems and five cable television franchises in the Towns of Germantown, Clermont, Gallatin, Livingston and Taghkanic in Columbia County.

The petition states that there will be no change to customers' rates, terms or conditions as a result of the transactions and that the transaction would serve the public interest by providing residents and businesses with Archtop's financial managerial and operational expertise, millions of dollars investment in an all-fiber broadband network resulting in increased speeds, enhanced customer service, and competitive pricing.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-M-0698SP1)

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

Proposed Tariff Revisions for the Summer 2023 Capability Period in Order to Improve Flexibility and Customer Participation

I.D. No. PSC-01-23-00010-P

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

Proposed Action: The Commission is considering a petition filed by Consolidated Edison Company of New York, Inc. proposing changes to the Commercial System Relief Program and Distribution Load Relief Program contained in P.S.C. No. 10 — Electricity, Rider T.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Proposed tariff revisions for the summer 2023 capability period in order to improve flexibility and customer participation.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on December 8, 2022, by Consolidated Edison Company of New York, Inc. (Con Edison or the Company), for revisions to its electric tariff schedule, P.S.C. No. 10 – Electricity, Rider T – Commercial Demand Response Programs (the Petition). The petition identifies two tariff changes, to be effective starting with the 2023 Capability Period. First, Con Edison proposes to modify its Commercial System Relief Program (CSRP) in order to provide customers flexibility to respond to CSRP events. Participating customers, in networks where peak demands last for more than four hours, would be able to choose to respond for four consecutive hours of their choice within the six-hour period, which includes the CSRP Call Window, the one hour preceding the CSRP Call Window and the one hour following the CSRP call window. Customers who reduce their demand for more than four consecutive hours would be entitled to an additional incentive.

Second, Con Edison proposes to clarify that, under the Distribution Load Relief Program, Immediate Events can begin at any time after 6:00 p.m., ending by midnight, rather than the 7:00 p.m. start time currently stated in the tariff.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle 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.

(14-E-0423SP6)

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

Distribution-Level Demand Response Programs

I.D. No. PSC-01-23-00011-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 New York State Gas and Electric Corporation and Rochester Gas & Electric Corporation’s annual report detailing demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution-level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering the annual report filed on November 15, 2022 by New York State Electric & Gas Corporation (NYSEG) and Rochester Gas & Electric Corporation (RG&E) (collectively, the Companies), detailing the Companies distribution level demand response programs.

The Direct Load Control programs are described in General Information Section 36 of NYSEG’s PSC No. 120 tariff and Metering & Billing Part II Section 4.T of RG&E’s PSC No. 19 tariff. The Distribution Load Relief Program and the Commercial System Relief Program are described respectively in NYSEG’s General Information sections 34 & 35 of PSC No. 120 – Schedule for Electric Service tariff and RG&E’s Metering & Billing Part II sections 4.R and S of PSC No. 19– Schedule for Electric Service tariff. Term- and Auto-DLM are described respectively in NYSEG’s General Information section 48 of PSC No. 120 – Schedule for Electric Service tariff and RG&E’s Part II Rules and Regulations, section 31 of PSC No. 19 – Schedule for Electric Service tariff.

The Companies do not propose any specific program changes for the 2023 capability period and proposed no tariff changes related to the provisions. In evaluating the effectiveness of the programs, the Companies note that they will continue to refine their demand response programs, evaluate other opportunities and technologies to include in the portfolio, assess cost effectiveness, and strive to increase program participation, as well as maximize benefits to customers and distribution system. The Companies also note that although there were no successful bids accepted into the Term-DLM or Auto-DLM programs for the 2021, 2022 or 2023 Summer capability periods, they have collaborated with the JU and DLM stakeholders to identify areas of improvement for the Term- and Auto-DLM RFP process to encourage more competitive bids from a greater number of applicants for the 2024 Summer capability period. Additionally, the Companies are considering a Natural Gas DR pilot for the 2024-2025 Winter Capability period.

The full text of the annual report 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 is accepting comments for the purpose of providing stakeholders a formal opportunity to submit suggestions or questions related to the annual report; the Commission may adopt, reject, or modify, in whole or in part, the commenters’ proposed programmatic changes, and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle 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.

(14-E-0423SP8)

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

New York State Reliability Council’s Establishment of an Installed Reserve Margin of 20.0 Percent

I.D. No. PSC-01-23-00012-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 an Installed Reserve Margin of 20.0 percent established by the New York State Reliability Council for the Capability Year beginning May 1, 2023, and ending April 30, 2024.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65(1), 66(1), (2), (4) and (5)

Subject: New York State Reliability Council’s establishment of an Installed Reserve Margin of 20.0 percent.

Purpose: To ensure adequate levels of Installed Capacity.

Substance of proposed rule: The Public Service Commission (Commission) is considering an Installed Reserve Margin (IRM) of 20.0% established by the New York State Reliability Council's Executive Committee on December 9, 2022, for the Capability Year beginning May 1, 2023, and ending April 30, 2024.

The IRM is based on the Technical Study Report entitled "New York Control Area Installed Capacity Requirement for the Period May 2023 to April 2024" (Report).

The full text of the Report is available on the internet at: http://www.nysrc.org/NYSRC_NYCA_ICR_Reports.html. The Commission may adopt, reject, or modify, in whole or in part, the proposed IRM, and may resolve other 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.

(07-E-0088SP17)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Distribution-Level Demand Response Programs

I.D. No. PSC-01-23-00013-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 Orange & Rockland Utilities, Inc.'s annual report detailing demand response programs.

Statutory authority: Public Service Law, sections 5(1), (2), 65(1), (5), 66(1), (12), (14) and 74

Subject: Distribution-level demand response programs.

Purpose: More efficient demand response programs to gain operational efficiency and shave peak demand.

Substance of proposed rule: The Public Service Commission (Commission) is considering Orange & Rockland Utilities, Inc.'s (O&R or the Company) annual report, filed on November 15, 2022, detailing the Company's five distribution level demand response programs (DLRP): Rider D – direct load control program, which consists of the bring your own thermostat program; Rider E – commercial system relief program; Rider F – distribution load relief program; and Rider P – the term- and auto- dynamic load management programs.

O&R does not propose any specific program changes for the 2023 capability period and proposed no tariff changes related to the provisions. The Company notes that the annual report details positive examples of progress, but that O&R is still experiencing effects related to the COVID-19 pandemic. The Company notes that it expects an increase in participation and enrollment as it continues to pursue outreach opportunities for the 2023 Capability Period, which in turn expands the benefits of DLRP.

The full text of the annual report 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 is accepting comments for the purpose of providing stakeholders a formal opportunity to submit suggestions or questions related to the annual report. The Commission may adopt, reject, or modify, in whole or in part, the commenters' proposed programmatic changes, and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle 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.

(14-E-0423SP7)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Interconnection Costs

I.D. No. PSC-01-23-00014-P

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

Proposed Action: The Public Service Commission is considering the petition filed by LSE Pisces LLC (LSE) seeking a ruling that LSE is not required to reimburse New York State Electric & Gas Corporation (NYSEG) for certain interconnection costs.

Statutory authority: Public Service Law, sections 4, 5, 65 and 66

Subject: Interconnection costs.

Purpose: To consider a petition requesting relief from interconnection costs assigned by NYSEG.

Substance of proposed rule: The New York State Public Service Commission is considering the petition filed by LSE Pisces LLC (LSE) on November 21, 2022 seeking a ruling that LSE is not required to reimburse New York State Electric & Gas Corporation (NYSEG) for \$32,045.78 in interconnection costs charged by NYSEG pursuant to the New York State Standardized Contract for Interconnection of New Distributed Generation Units and/or Energy Storage Systems With Capacity of 5 MW or Less Connected in Parallel with Utility Distribution Systems between LSE and NYSEG for a solar photovoltaic facility located at Smith Creek Road in Nichols, NY.

LSE asserts that NYSEG has failed to establish that the costs were incurred for construction required for LSE's project.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service website: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-E-0702SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Notice of Intent to Submeter Electricity

I.D. No. PSC-01-23-00015-P

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

Proposed Action: The Commission is considering the notice of intent of Skyline Tower Condominium to submeter electricity at 3 Court Square, Long Island City, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by Skyline Tower Condominium (Owner) on August 2, 2022, seeking authority to submeter electricity at a new, fair-market condominium building located at 3 Court Square, Long Island City, New York, located in the territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-E-0459SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Brooklyn Clean Energy Hub Alternative and Cost Recovery

I.D. No. PSC-01-23-00016-P

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

Proposed Action: The Commission is considering the supplement to the petition filed by Consolidated Edison Company of New York, Inc. seeking approval of its Brooklyn Clean Energy Hub and cost recovery for the project.

Statutory authority: Public Service Law, sections 4, 5, 65, 66, 66-p; Accelerated Renewable Energy Growth and Community Benefit Act of 2020

Subject: Brooklyn Clean Energy Hub alternative and cost recovery.

Purpose: To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation.

Substance of proposed rule: The New York State Public Service Commission (Commission) is considering the filing on December 13, 2022 by Consolidated Edison Company of New York, Inc. (Con Edison) to supplement its April 15, 2022 petition, seeking approval of its Brooklyn Clean Energy Hub (Hub) and a determination regarding cost recovery of the project.

In the supplement, Con Edison indicates that the Hub is needed to meet specific reliability needs beginning in summer 2028. Con Edison also presents an alternative project with an estimated cost of \$810 million to meet the 2028 reliability need and offer an opportunity to scale the project up to the original Hub design to provide interconnection for offshore wind and potentially other clean energy uses. Con Edison explains that the Hub would provide statewide benefits and reiterates its request for costs to be recovered statewide pursuant to the voluntary cost sharing and recovery agreement approved by the Federal Energy Regulatory Commission. If the Commission determines that statewide cost recovery is not available for the Hub at this time, Con Edison requests recovery initially from its customers. Con Edison indicates that it will make a filing at least one year prior to the Hub's in-service date to inform the Commission whether offshore wind or other clean energy project developers have expressed interest in connecting at the Hub and to seek cost recovery in accordance with those requests.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(20-E-0197SP13)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Interconnection Costs

I.D. No. PSC-01-23-00017-P

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

Proposed Action: The Public Service Commission is considering the petition filed by LSE Perseus LLC (LSE) seeking a ruling that LSE is not required to reimburse New York State Electric & Gas Corporation (NYSEG) for certain interconnection costs.

Statutory authority: Public Service Law, sections 4, 5, 65 and 66

Subject: Interconnection costs.

Purpose: To consider a petition requesting relief from interconnection costs assigned by NYSEG.

Substance of proposed rule: The New York State Public Service Commission is considering the petition filed by LSE Perseus LLC (LSE) on November 21, 2022 seeking a ruling that LSE is not required to reimburse New York State Electric & Gas Corporation (NYSEG) for \$80,415.38 in interconnection costs charged by NYSEG pursuant to the New York State Standardized Contract for Interconnection of New Distributed Generation Units and/or Energy Storage Systems With Capacity of 5 MW or Less Connected in Parallel with Utility Distribution Systems between LSE and NYSEG for a solar photovoltaic facility located at 260 Hunt Creek Road in Nichols, NY.

LSE asserts that NYSEG has failed to establish that the costs were incurred for construction required for LSE's project.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service website: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-E-0701SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Lease of Certain Real Property

I.D. No. PSC-01-23-00018-P

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

Proposed Action: The Commission is considering a petition filed by KeySpan Gas East Corporation d/b/a National Grid for a proposed lease of certain real property, located at 5 Bridge Street, in the Village of Sag Harbor, to 11 Bridge Street, LLC.

Statutory authority: Public Service Law, section 70

Subject: Lease of certain real property.

Purpose: To determine whether to provide written consent for the proposed transfer of certain real property.

Substance of proposed rule: The Public Service Commission (Commission) is considering the petition by KeySpan Gas East Company d/b/a National Grid (KEDLI or the Company) filed on November 9, 2022, for authority to lease certain real property located at 5 Bridge Street, in the Village of Sag Harbor, New York, to 11 Bridge Street, LLC (Lessee), who will continue to use the property as a parking lot. KEDLI notified the Public Service Commission of the intended lease pursuant to Public Service Law § 70(a), as the original cost of the proposed assets to be leased is less than \$100,000.

Based on plant records, KEDLI represents that the original book cost of the 0.789-acre Property is approximately \$2,893 and the appraised fair market value, as of November 2019 is \$1,975,000. The Company proposes to enter into a 99-year lease with the Lessee for the above-ground open-air parking facilities as follows: (i) \$400,000 payable at the commencement of the lease on February 7, 2023, representing the first 10 years of the lease; and (2) leasing the parking facilities at a price of \$50,000 per year beginning in lease year 11, increasing by five percent every 15 years until the termination of the 99-year lease. Upon the closing date of the lease, the Lessee will become responsible for the operation, maintenance, and condition of the parking facilities.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(22-G-0699SP1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Energy Efficiency and Building Electrification Programs

I.D. No. PSC-01-23-00019-P

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

Proposed Action: The Commission is considering the Department of Public Service Staff Energy Efficiency and Building Electrification Report.

Statutory authority: Public Service Law, sections 4(1), 5(2), 65 and 66

Subject: Energy efficiency and building electrification programs.

Purpose: To identify and implement potential changes to the energy efficiency and building electrification programs.

Substance of proposed rule: The Public Service Commission (Commission) is considering the Department of Public Service Staff Energy Efficiency and Building Electrification Report (DPS Staff Report), filed in December 20, 2022 in accordance with the Commission's Order Initiating the New Efficiency: New York Interim Review and Clean Energy Fund Review, issued on September 15, 2022 in Cases 14-M-0094 and 18-M-0084.

The DPS Staff Report provides a summary of the performance of current ratepayer-supported energy efficiency and building electrification programs administered by the State's Investor-Owned Utilities and the New York State Energy Research and Development Authority (NYSERDA). In addition to the program performance summary, the DPS

Staff Report presents an overview of the policy and regulatory environment within which these programs operate, makes observations, and presents a series of questions intended to solicit stakeholder input for Commission consideration as it determines the future direction of the State's energy efficiency and beneficial electrification programs.

The DPS Staff Report first outlines the current federal and state policies driving the need for these energy efficiency and building electrification programs and describes the regulatory framework within which the programs operate. The DPS Staff Report presents the portfolio performance to date for: 1) the utility electric and gas non-low- and moderate-income (non-LMI) portfolios; 2) the New York Clean Heat Program; 3) the NYSERDA non-LMI Market Development portfolio; and 4) the Statewide low- and Moderate-income (LMI) portfolio. Importantly, each section of the report includes DPS Staff observations and contains relevant questions for stakeholder consideration.

The full text of the DPS Staff Report 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, commenters' proposed programmatic changes and actions with respect to DPS Staff's observations, and may resolve related matters.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6517, 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.

(18-M-0084SP7)

New York State Thruway Authority

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Toll Rate Adjustments on the New York State Thruway System

I.D. No. THR-01-23-00001-P

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

Proposed Action: Amendment of section 101.2; repeal of section 101.4; addition of new section 101.4 to Title 21 NYCRR.

Statutory authority: Public Authorities Law, sections 354(5), (8), (15), 361(1); Vehicle and Traffic Law, section 1630

Subject: Toll rate adjustments on the New York State Thruway system.

Purpose: To provide for toll rate adjustments necessary to support the Authority's financial obligations.

Substance of proposed rule (Full text is posted at the following State website: <https://www.thruway.ny.gov/news/adjustment/full-text-proposed-regs.pdf>):

The Proposed Rule provides for toll rate adjustments on the controlled system and at fixed barriers along the New York State Thruway to provide the funds necessary to finance the New York State Thruway Authority's (Authority) multi-year capital plan, to perform necessary maintenance and operations and to comply with the relevant portions of the Authority's General Revenue Bond Resolution and Fiscal Management Guidelines. These toll rate adjustments will begin on January 1, 2024 and be fully implemented by January 1, 2027.

Text of proposed rule and any required statements and analyses may be obtained from: Pamela Davis, Deputy General Counsel, New York State Thruway Authority, 200 Southern Boulevard, Albany, New York 12209, (518) 436-2840, email: tollcomments@thruway.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: Public Authorities Law section 2804 requires that a detailed financial report be submitted to the Governor, Comptroller and the Chairs and Ranking Members of the Legislative Fiscal Committees.

Regulatory Impact Statement

1. Statutory authority:

Public Authorities Law (PAL) section 354 subdivision 5 authorizes the New York State Thruway Authority (Authority) to make rules and regulations for the use of the Thruway and any other facilities under the jurisdiction of the Authority. PAL section 354 subdivision 8, in pertinent part, authorizes the Authority "to fix fees for the use of the Thruway System or any part thereof necessary...to produce sufficient revenue to meet the expense of maintenance and operation and to fulfill the terms of any agreements made with the holders of its notes or bonds..." PAL section 354 subdivision 15 authorizes the Authority to do all things necessary or convenient to carry out its purposes or exercise the powers given in Title 9. Section 1630 of the Vehicle and Traffic Law authorizes the Authority to make rules and regulations to regulate traffic on any highway under its jurisdiction with respect to charging tolls, taxes, fees, licenses or permits for the use of the highway or any property under the Authority's jurisdiction. In addition to the Vehicle and Traffic Law authorization, the Authority is authorized pursuant to section 361 of the PAL to "promulgate such rules and regulations...for the collection of tolls..."

2. Legislative objectives:

In enacting PAL section 353 the Legislature found that certain public benefits would accrue from the creation of the Thruway Authority. The Legislature found and declared that the development, operation and maintenance of the Thruway System was a benefit to the people of the State of New York with respect to their health, welfare, safety, recreation, commerce and common defense. That statutory provision declared that the Authority was created for the purpose of and given the power to finance, develop, construct, reconstruct, improve, maintain and operate the Thruway System. As a self-sustaining entity, the proposed toll adjustment will enable the Authority to continue to maintain and operate the Thruway System in furtherance of the health, safety and welfare of the people of the State of New York. The proposed toll adjustment will produce revenues that meet the needs of the multi-year capital program and will allow the Authority to perform necessary operation and maintenance and comply with the relevant portions of the Authority's General Revenue Bond Resolution and Fiscal Management Guidelines.

3. Needs and benefits:

In order to support the systemwide conversion to cashless tolling, on January 1, 2021, there were adjustments made to systemwide toll charges including differential rates for Tolls by Mail and for Non-NY E-ZPass tolls and modifications to tolls on the Governor Mario M. Cuomo Bridge (GMMCB) for 2021 and 2022 and the introduction of a Resident E-ZPass Plan. Previously, the Authority implemented a toll adjustment on New York E-ZPass rates in 2010 (outside of the GMMCB). Section 365 of the PAL authorizes the Authority to issue negotiable notes and bonds necessary to provide sufficient moneys for achieving the corporate purposes of the Authority. The Authority has and will continue to issue negotiable notes and bonds pursuant to its General Revenue Bond Resolution, adopted August 3, 1992 (the Bond Resolution), as amended, which is the contract between the Authority and its bondholders. In addition to the Bond Resolution, the Authority has General Revenue Junior Indebtedness Obligations adopted November 7, 2013, and as amended. Pursuant to Section 608 of the Bond Resolution (the Maintenance covenant) the Authority has covenanted to operate and maintain its Facilities (as defined in the Bond Resolution) "in a sound and economical manner and shall maintain, reconstruct and keep the same...and every part and parcel thereof, in good repair, working order and condition, and shall from time to time, make or cause to be made, all necessary and proper repairs, replacements and renewals so that at all times the operation of the Facilities may be properly and advantageously conducted...". The continuation of the present toll schedule would result in revenues insufficient to allow the Authority to meet its needs for the required Maintenance covenant under the Bond Resolution.

Section 609 (the Rate covenant) of the Bond Resolution requires that that Authority fix, charge and collect tolls sufficient to equal the Authority's Net Revenue Requirement, as that term is defined in the Bond Resolution. In accordance with the Bond Resolution, the Authority requested a study by an independent consultant to recommend a schedule of tolls, fees and charges to provide sufficient net revenues to comply with the Rate covenant and the Maintenance covenant. The report by Stantec Consulting Services Inc. examined the financial requirements of the Authority to meet the future maintenance, reconstruction and operational needs of the Thruway System for the period 2022-2031. That report, "New York State Thruway Financial Requirements and Proposed Toll Adjustments," (Stantec Report), found that current toll levels on the Thruway were insufficient to meet the Thruway's future needs. In order to maintain a service-

able system and a safe facility the Stantec Report found that a toll adjustment is required to fully implement the Authority's multi-year capital program to provide for the needed reconstruction, maintenance and congestion relief improvements. The Stantec Report concluded that funding shortages, inadequate debt service coverage ratios and low Pay-As-You-Go financing generated from the current toll schedule requires the Authority to implement a toll adjustment to complement its program of enhancing operational efficiency and provide fiscal stability and healthy financial metrics through the year 2031. The Stantec Report further concludes that the proposed toll schedule would result in appropriate debt service coverage ratios that meet the Authority Board adopted minimum coverage ratio guidelines through 2031. The Authority's Finance Committee established several goals for the Authority to follow in developing a proposed toll adjustment, including, preserving the Authority's estimated \$3.63 billion multi-year capital program; preserving New York E-ZPass discount programs; and maintaining combined and senior and junior debt service coverage ratios of at least 1.35x going forward through 2031. The proposed toll adjustments achieve the goals of the Authority's Finance Committee.

4. Costs:

Costs to regulated parties will vary as the Authority employs a multi-classification system for tolls that takes into consideration vehicle class, based upon axles and height, and distance traveled on the Thruway System. In general, the Tolls by Mail rate for a passenger vehicle (class 2L), under the proposed plan will increase by 2.8 cents per mile by 2027, the non-New York E-ZPass rate will increase by 3.5 cents per mile by 2027, and the New York E-ZPass rate will increase less than 1 cent per mile by 2027. In general, the Tolls by Mail toll for a tractor trailer (class 5H), the most common commercial vehicle, under the proposed plan will increase by 14.3 cents per mile by 2027, the non-New York E-ZPass rate will increase by 17.7 cents per mile by 2027, and the New York E-ZPass rate will increase by 2.3 cents per mile by 2027.

For example, a passenger vehicle paying through Tolls by Mail traveling between Exit 24 (Albany) and Exit 25 (Schenectady) currently paying 35 cents, will pay 49 cents in 2024 and 51 cents in 2027. Please note, tolls are calculated by multiplying the distance traveled by the per mile cost. The same trip with non-New York E-ZPass currently costs 31 cents and will cost 49 cents in 2024 and 51 cents in 2027. With New York E-ZPass this trip currently costs 27 cents and will cost 28 cents in 2024 and 29 cents in 2027. For participants in the Annual Permit Plan, this trip is within thirty miles and therefore has no additional charge. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$1.76 through Tolls by Mail and will pay \$2.49 in 2024 and \$2.61 in 2027. With non-New York E-ZPass, the same commercial vehicle currently pays \$1.56 and will pay \$2.49 in 2024 and \$2.61 in 2027. With New York E-ZPass this trip currently costs \$1.35 and will cost \$1.42 in 2024 and \$1.49 in 2027. A passenger vehicle paying cash traveling between Exit 24 (Albany) and Exit 50 (Williamsville) currently pays \$15.84 and will pay \$22.37 in 2024 and \$23.46 in 2027 through Tolls by Mail. The same trip with non-New York E-ZPass currently costs \$14.02 and will cost \$22.37 in 2024 and \$23.46 in 2027. With New York E-ZPass this trip currently costs \$12.18 and will cost \$12.78 in 2024 and \$13.41 in 2027. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$80.42 and will pay \$113.72 in 2024 and \$119.39 in 2027 through Tolls by Mail. With non-New York E-ZPass, the same commercial vehicle currently pays \$71.16 and will pay \$113.72 in 2024 and \$119.39 in 2027. With New York E-ZPass this trip currently costs \$61.87 and will cost \$64.96 in 2024 and \$68.23 in 2027.

The Authority encourages all customers to sign up for E-ZPass to receive a discount. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee is remaining at \$88 per year. This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including small businesses, that enroll and qualify.

5. Local government mandates:

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

6. Paperwork:

The proposed regulatory changes will not create any additional paperwork.

7. Duplication:

There are no relevant State regulations which duplicate, overlap or conflict with the proposed regulatory changes.

8. Alternatives:

The Authority's review and the Stantec Report both looked at the alternative of not implementing toll adjustments. The Stantec Report indicated that a toll adjustment was required. The Authority is statutorily

required to finance, construct, reconstruct, improve, develop, maintain and operate the Thruway System pursuant to PAL section 353. Leaving the current toll structure in place would result in:

- Revenues insufficient to fund the multi-year capital program;
- Insufficient funds for capital improvements to the infrastructure and routine operations and maintenance, resulting in deterioration of pavement and bridge conditions that would impact safety and service to Thruway customers;
- Insufficient funds for the reimbursement of State Police Troop T for patrolling the Thruway system;
- Operational deficits;
- Very low pay-as-you-go financing;
- Debt service coverage ratios in the later years of the forecast period declining below the limits established in the Authority's Bond Resolution and Fiscal Management Guidelines;
- Revenues insufficient to allow the Authority to comply with the relevant portions of the Bond Resolution;
- The Authority's financial condition deteriorating to the extent that the bond rating would probably be negatively affected leading to greater costs of future debt issuances.

The Authority intends to conduct public outreach during the public comment period, including holding at least three statewide public hearings. The Authority expects to have dialogue with interested parties and elected officials and will consider all comments during the public comment period.

9. Federal standards:

The proposed regulatory changes do not duplicate or conflict with any federal regulations.

10. Compliance schedule:

All regulatory requirements will be scheduled and completed by the end of 2023 and such schedule will comply with all of the state statutory and regulatory requirements. Following implementation of the rule, there will be no additional time required for regulated persons to achieve compliance with the rule.

Regulatory Flexibility Analysis

1. Effect of rule:

An estimate as to the number of small businesses or local governments that will be affected by the toll adjustment cannot be provided. However, the Authority is mindful of all people who use the Thruway, including those who use the Thruway to commute to work for small businesses and local governments. All customers who participate in New York E-ZPass and in the Annual Permit Plan, and businesses who take advantage of the Authority's commercial E-ZPass and volume discounts, will continue to have discounted rates. The Authority encourages all customers to sign up for E-ZPass to receive a discount. Under the proposed toll adjustment the New York E-ZPass toll rates will increase by 5% on January 1, 2024 and on January 1, 2027, and non-New York E-ZPass customers and Tolls by Mail customers will pay seventy-five percent more than the New York E-ZPass toll rate for all vehicles effective January 1, 2024. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee will remain at \$88.00.

This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including small businesses, that enroll and qualify. Further, the Thruway is a vital transportation corridor for both intrastate and interstate commerce. Failure to properly maintain the highway could negatively impact all of New York State including small businesses and local governments. The Thruway System is a user fee supported system. Therefore, only those who use the Thruway System are affected by the toll adjustment.

2. Compliance requirements:

There are no reporting or recordkeeping requirements necessary to comply with this rule.

3. Professional Services:

There are no professional services that a small business or local government is likely to need to comply with this rule.

4. Compliance costs:

Costs to regulated parties will vary as the Authority employs a multi-classification system for tolls that takes into consideration vehicle class, based upon axles and height, and distance traveled on the Thruway System. In general, the Tolls by Mail rate for a passenger vehicle (class 2L), under the proposed plan will increase by 2.8 cents per mile by 2027, the non-New York E-ZPass rate will increase by 3.5 cents per mile by 2027, and the New York E-ZPass rate will increase less than 1 cent per mile by 2027. In general, the Tolls by Mail toll for a tractor trailer (class 5H), the most common commercial vehicle, under the proposed plan will increase by 14.3 cents per mile by 2027, the non-New York E-ZPass rate will increase by 17.7 cents per mile by 2027, and the New York E-ZPass rate will increase by 2.3 cents per mile by 2027.

For example, a passenger vehicle paying through Tolls by Mail traveling between Exit 24 (Albany) and Exit 25 (Schenectady) currently paying 35 cents, will pay 49 cents in 2024 and 51 cents in 2027. Please note, tolls are calculated by multiplying the distance traveled by the per mile cost. The same trip with non-New York E-ZPass currently costs 31 cents and will cost 49 cents in 2024 and 51 cents in 2027. With New York E-ZPass this trip currently costs 27 cents and will cost 28 cents in 2024 and 29 cents in 2027. For participants in the Annual Permit Plan, this trip is within thirty miles and therefore has no additional charge. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$1.76 through Tolls by Mail and will pay \$2.49 in 2024 and \$2.61 in 2027. With non-New York E-ZPass, the same commercial vehicle currently pays \$1.56 and will pay \$2.49 in 2024 and \$2.61 in 2027. With New York E-ZPass this trip currently costs \$1.35 and will cost \$1.42 in 2024 and \$1.49 in 2027. A passenger vehicle paying cash traveling between Exit 24 (Albany) and Exit 50 (Williamsville) currently pays \$15.84 and will pay \$22.37 in 2024 and \$23.46 in 2027 through Tolls by Mail. The same trip with non-New York E-ZPass currently costs \$14.02 and will cost \$22.37 in 2024 and \$23.46 in 2027. With New York E-ZPass this trip currently costs \$12.18 and will cost \$12.78 in 2024 and \$13.41 in 2027. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$80.42 and will pay \$113.72 in 2024 and \$119.39 in 2027 through Tolls by Mail. With non-New York E-ZPass, the same commercial vehicle currently pays \$71.16 and will pay \$113.72 in 2024 and \$119.39 in 2027. With New York E-ZPass this trip currently costs \$61.87 and will cost \$64.96 in 2024 and \$68.23 in 2027.

5. Economic and technological feasibility:

Technological feasibility is not applicable to the proposed rule. Economic feasibility cannot be assessed as outlined in responses 1 and 4 above.

6. Minimizing adverse impact:

The Authority is mindful of all people who use the Thruway, including those who use the Thruway to commute to work for small businesses and local governments. Customers who participate in New York E-ZPass and in the Annual Permit Plan, and businesses who take advantage of the commercial New York E-ZPass and volume discounts, will continue to have discounted rates. The Authority encourages all customers to sign up for E-ZPass to receive a discount. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee is remaining at \$88 per year. This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including small businesses, that enroll and qualify. Further, the Thruway is a vital transportation corridor for both intrastate and interstate commerce. Failure to properly maintain the highway could negatively impact all of New York State including small businesses and local governments.

7. Small business and local government participation:

The Authority will be conducting a public outreach process as part of this toll adjustment, including publication in the State Register pursuant to SAPA and publication in two newspapers of daily circulation in each of the areas where public hearings are to be held pursuant to Public Authorities Law Section 2804. The Authority is statutorily required to conduct three statewide public hearings for this toll adjustment. This will permit interested parties, including small businesses and local governments, to participate in the rule making process.

8. Chapter 524 of the Laws of 2011 requires agencies to include a "cure period" or other opportunity for ameliorative action to prevent the imposition of penalties on a party subject to enforcement when developing a regulation or explain in the Regulatory Flexibility Analysis why one is not included. As this proposed regulation does not create a new penalty or sanction, no cure period is necessary.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

An estimate as to the number of rural areas that will be affected by the toll adjustment cannot be provided. However, the Authority is mindful of all people who use the Thruway, including those who use the Thruway to commute to work in rural areas. All customers who participate in New York E-ZPass and in the Annual Permit Plan, and businesses who take advantage of the Authority's commercial E-ZPass and volume discounts, will continue to have discounted rates.

The Authority encourages all customers to sign up for E-ZPass to receive a discount. Under the proposed toll adjustment the New York E-ZPass toll rates will increase by 5% on January 1, 2024 and on January 1, 2027, and non-New York E-ZPass customers and Tolls by Mail customers will pay seventy-five percent more than the New York E-ZPass toll rate for all vehicles effective January 1, 2024. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled

portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee will remain at \$88.00.

This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including those in rural areas, that enroll and qualify. Further, the Thruway is a vital transportation corridor for both intrastate and interstate commerce. Failure to properly maintain the highway could negatively impact all of New York State including rural areas. The Thruway System is a user fee supported system. Therefore, only those who use the Thruway System are affected by the toll adjustment.

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

There are no reporting, recordkeeping or professional service requirements necessary to comply with this rule.

3. Costs:

Costs to regulated parties will vary as the Authority employs a multi-classification system for tolls that takes into consideration vehicle class, based upon axles and height, and distance traveled on the Thruway System. In general, the Tolls by Mail rate for a passenger vehicle (class 2L), under the proposed plan will increase by 2.8 cents per mile by 2027, the non-New York E-ZPass rate will increase by 3.5 cents per mile by 2027, and the New York E-ZPass rate will increase less than 1 cent per mile by 2027. In general, the Tolls by Mail toll for a tractor trailer (class 5H), the most common commercial vehicle, under the proposed plan will increase by 14.3 cents per mile by 2027, the non-New York E-ZPass rate will increase by 17.7 cents per mile by 2027, and the New York E-ZPass rate will increase by 2.3 cents per mile by 2027.

For example, a passenger vehicle paying through Tolls by Mail traveling between Exit 24 (Albany) and Exit 25 (Schenectady) currently paying 35 cents, will pay 49 cents in 2024 and 51 cents in 2027. Please note, tolls are calculated by multiplying the distance traveled by the per mile cost. The same trip with non-New York E-ZPass currently costs 31 cents and will cost 49 cents in 2024 and 51 cents in 2027. With New York E-ZPass this trip currently costs 27 cents and will cost 28 cents in 2024 and 29 cents in 2027. For participants in the Annual Permit Plan, this trip is within thirty miles and therefore has no additional charge. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$1.76 through Tolls by Mail and will pay \$2.49 in 2024 and \$2.61 in 2027. With non-New York E-ZPass, the same commercial vehicle currently pays \$1.56 and will pay \$2.49 in 2024 and \$2.61 in 2027. With New York E-ZPass this trip currently costs \$1.35 and will cost \$1.42 in 2024 and \$1.49 in 2027. A passenger vehicle paying cash traveling between Exit 24 (Albany) and Exit 50 (Williamsville) currently pays \$15.84 and will pay \$22.37 in 2024 and \$23.46 in 2027 through Tolls by Mail. The same trip with non-New York E-ZPass currently costs \$14.02 and will cost \$22.37 in 2024 and \$23.46 in 2027. With New York E-ZPass this trip currently costs \$12.18 and will cost \$12.78 in 2024 and \$13.41 in 2027. A commercial vehicle (Tractor Trailer-Class 5H) paying cash for the same trip currently pays \$80.42 and will pay \$113.72 in 2024 and \$119.39 in 2027 through Tolls by Mail. With non-New York E-ZPass, the same commercial vehicle currently pays \$71.16 and will pay \$113.72 in 2024 and \$119.39 in 2027. With New York E-ZPass this trip currently costs \$61.87 and will cost \$64.96 in 2024 and \$68.23 in 2027.

4. Minimizing adverse impact:

The Authority is mindful of all people who use the Thruway, including those who use the Thruway to commute to work in rural areas. Customers who participate in New York E-ZPass and in the Annual Permit Plan, and businesses who take advantage of the commercial New York E-ZPass and volume discounts, will continue to have discounted rates. The Authority encourages all customers to sign up for E-ZPass to receive a discount. Customers who operate passenger vehicles may also enroll in the Annual Permit Plan, whereupon payment of the Annual Permit Plan fee allows free travel on the controlled portion of the Thruway System for the first 30 miles of every trip. The Annual Permit fee is remaining at \$88 per year. This toll adjustment further maintains the commercial E-ZPass and volume discounts, which are available to all Authority commercial customers, including those in rural areas, that enroll and qualify. Further, the Thruway is a vital transportation corridor for both intrastate and interstate commerce. Failure to properly maintain the highway could negatively impact all of New York State including rural areas.

5. Rural area participation:

The Authority will be conducting a public outreach process as part of this toll adjustment, including publication in the State Register pursuant to SAPA and publication in two newspapers of daily circulation in each of the areas where public hearings are to be held pursuant to Public Authorities Law Section 2804. The Authority is statutorily required to conduct three statewide public hearings for this toll adjustment. This will permit interested parties, including those in rural areas, to participate in the rule making process.

Job Impact Statement

1. Nature of impact:

The toll adjustment is designed, among other things, to support the

Authority’s \$3.63 billion in projected capital expenditures for the 2022-2031 timeframe. According to data from the Association of General Contractors (AGC), each \$1 billion of highway investment supports approximately 7,800 full-time jobs. Applying the AGC statistic, it is estimated that the multi-year capital plan will support approximately 28,337 full-time jobs over the course of the multi-year capital plan.

2. Categories and numbers affected:

According to data from the Association of General Contractors, the Authority’s multi-year \$3.63 billion in highway investment would support approximately 12,236 Direct jobs, 6,282 Indirect jobs and 9,819 Induced jobs. Direct jobs are those held by workers employed at the highway construction site, including laborers, specialists, engineers and managers. Indirect jobs are those held by workers in industries that supply highway construction manufacturers with materials, including those involved in lumber, steel, concrete and cement products, and by offsite construction industry workers, including administrative, clerical and managerial workers. Induced jobs are those jobs supported throughout the economy when highway construction industry employees spend their earnings.

3. Regions of adverse impact: No specific region of the State will be adversely impacted by this rule proposal.

4. Minimizing adverse impact: The Authority does not anticipate an adverse impact as a result of this rule proposal.

5. Self-employment opportunities: Self-employment opportunities should not be impacted by this rule proposal.

Workers’ Compensation Board

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Special Services

I.D. No. WCB-01-23-00005-P

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

Proposed Action: This is a consensus rule making to amend section 324.3 of Title 12 NYCRR.

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

Subject: Special Services.

Purpose: To correct typographical error in naming the prior authorization request in the text of the regulation.

Text of proposed rule: Clause (c) of subparagraph (i) of paragraph (1) of subdivision (a) of section 324.3 of Title 12 NYCRR is hereby amended to read as follows:

(c) Notwithstanding that a surgical procedure is consistent with the guidelines, a second or subsequent performance of such surgical procedure shall require a [variance] *PAR: special services* if it is repeated because of the failure or incomplete success of the same surgical procedure performed earlier, and if the medical treatment guidelines do not specifically address multiple procedures.

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

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

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

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

Consensus Rule Making Determination

The proposed changes are ministerial. They do not change the meaning or function of any of the amended regulations. It is believed that there is no basis for objecting to the proposed amendments.

Job Impact Statement

The proposed rule should not have an adverse impact on jobs. The proposal simply corrects a typographical error in naming the prior authorization request in the text of the regulation.

**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

		<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 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.</p>
ENV-52-22-00015-EP.....	Advanced Clean Car (ACC) Standards	Virtual via Webex—March 1, 2023, 1:00 p.m.
ENV-52-22-00016-EP.....	Medium- and Heavy-Duty Diesel Vehicle Emission Standards	Virtual via Webex—February 28, 2023, 1:00 p.m.
Long Island Power Authority		
LPA-51-22-00007-P	Time of Day Rates for Residential Customers	<p>H. Lee Dennison Bldg., 100 Veterans Memorial Hwy., Hauppauge, NY—February 20, 2023, 10:00 a.m. Refer to schedule on: www.lipower.org Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY—February 20, 2023, 6:00 p.m. Refer to schedule on: www.lipower.org</p>

ACTION PENDING INDEX

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
AAM	01	12	00001	P

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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AGING, OFFICE FOR THE

AGE-43-22-00001-P	10/26/23	Service provision under the Expanded In-home Services for the Elderly Program and Home-Delivered Meals.	To provide flexibility in strict compliance with certain requirements relating to client assessments when not practicable.
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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

AUDIT AND CONTROL, DEPARTMENT OF

AAC-01-23-00003-P	01/04/24	Deceased Owner	To clarify that the confirmed date of death of an owner begins the applicable dormancy period as provided in law.
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CANNABIS MANAGEMENT, OFFICE OF

OCM-10-22-00017-RP	03/09/23	Part 113 - Medical Cannabis	The proposed rule established the framework for the medical cannabis program in New York State
OCM-24-22-00013-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-RP	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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CANNABIS MANAGEMENT, OFFICE OF			
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
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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
CVS-45-22-00001-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00002-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00003-P	11/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-22-00004-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-45-22-00005-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00006-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00007-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00008-P	11/09/23	Jurisdictional Classification	To delete a position from the exempt class.
CVS-45-22-00009-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-45-22-00010-P	11/09/23	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-45-22-00011-P	11/09/23	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-45-22-00012-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00013-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt class and to delete from and to classify positions in the non-competitive class
CVS-45-22-00014-P	11/09/23	Jurisdictional Classification	To classify positions in the exempt and non-competitive classes.
CVS-45-22-00015-P	11/09/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-45-22-00016-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
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

Action Pending Index**NYS Register/January 4, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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.
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-ERP	05/24/23	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	Intake for Article 7 (PINS)	Update existing Rule to reflect services which will be performed by Probation departments.
ECONOMIC DEVELOPMENT, DEPARTMENT OF			
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-22-22-00008-ERP	06/01/23	Instruction provided to students in a home, hospital, or institutional setting other than a school (homebound instruction)	To provide clarity as to the circumstances under which homebound instruction may be requested and delivered
EDU-39-22-00010-EP	09/28/23	Remote instruction and its delivery under emergency conditions and length of school days for approved school-age and preschool programs serving students with disabilities	To permit approved school-age and preschool programs serving students with disabilities to provide remote instruction on days they would otherwise close due to an emergency
EDU-39-22-00011-P	09/28/23	Appeals to the Commissioner of Education under Education Law § 310	To amend requirements
EDU-39-22-00012-EP	09/28/23	Laboratory experience required to take a science Regents examination	To permit students to satisfy laboratory requirement through a combination of hands-on and simulated laboratory experience
EDU-39-22-00013-P	09/28/23	Degree and experience requirements for college professors for the Tran G Certificate and the Individual Evaluation Pathway	To amend degree and experience requirements for college professors for the Traditional G certificate
EDU-39-22-00014-EP	09/28/23	Independent nurse practitioner practice	To implement Part C of Chapter 57 of the Laws of 2022
EDU-39-22-00015-EP	09/28/23	School Safety Plans	To conforms the regulations to the amendments made to Education Law § 2801-a by Chapter 227 of the Laws of 2022
EDU-39-22-00016-EP	09/28/23	Universal Prekindergarten Program (UPK) Staffing Qualifications	To conform the Commissioner’s regulations to Part A of Chapter 56 of the Laws of 2022
EDU-39-22-00017-EP	09/28/23	Execution by registered professional nurses of non-patient specific orders to administer COVID-19 and influenza tests.	To implement Part C of Chapter 57 of the Laws of 2022.
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.
EDU-52-22-00005-P	12/28/23	The individual arts assessment pathway to graduation	To establish the Individual Arts Assessment Pathway to graduation
EDU-52-22-00006-P	12/28/23	Extensions for coordinators of work-based learning programs.	To create a new uniform “Coordinator of Work-Based Learning Programs” extension
EDU-52-22-00007-P	12/28/23	Continuing education requirements for the profession of architecture.	To implement Chapter 578 of the Laws of 2021.
EDU-52-22-00008-EP	12/28/23	Licensure as a clinical laboratory technologist or cytotechnologist and certification as a clinical laboratory technician or histological technician	To implement Chapter 446 of the Laws of 2022.
EDU-52-22-00009-P	12/28/23	Indigenous Names, Mascots, and Logos	To prohibit the use of Indigenous names, mascots, and logos by public schools.
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
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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
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
ENV-52-22-00003-P	12/28/23	Rush Oak Openings Unique Area	Protection of public safety and natural resources
ENV-52-22-00015-EP	02/29/24	Advanced Clean Car (ACC) Standards	To adopt California's Advanced Clean Cars II (ACC II) Program regulations
ENV-52-22-00016-EP	02/28/24	Medium- and Heavy-Duty Diesel Vehicle emission standards	To update Medium and- Heavy-Duty Diesel Vehicle emission standards and adopt CA's Heavy-Duty Omnibus and Phase 2 GHG regulations
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
ELG-01-23-00006-EP	01/04/24	Ethics training for lobbyists and clients.	To establish requirements related to ethics training for lobbyists and clients mandated by law.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-RP	..... 03/15/23	Debt Collection by Third-Party Debt Collectors and Debt Buyers	To clarify and modify standards for debt collection practices in New York
DFS-24-22-00010-P	..... 06/15/23	Licensed Cashers of Checks; Fees	To change the maximum fee that may be charged by licensed check cashers and remove an automatic inflation adjustment
DFS-41-22-00021-P	..... 10/12/23	Charges for Professional Health Services	To establish schedules of maximum permissible charges for professional health services payable as no-fault insurance benefits
DFS-45-22-00023-P	..... 11/09/23	Consolidated rulemaking regarding peer-to-peer car sharing	To ensure consumers have appropriate insurance protection when using or operating a vehicle through a car sharing program.
DFS-45-22-00025-P	..... 11/09/23	Cybersecurity Requirements for Financial Services Companies	To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.
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-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
*HLT-50-21-00004-EP	12/15/22	Personal Caregiving and Compassionate Caregiving Visitors in Nursing Homes (NH's) and Adult Care Facilities (ACF's)	To require NH's & ACF's to establish policies & procedures relating to personal caregiving & compassionate caregiving visitors
HLT-07-22-00010-P	02/16/23	Clinical Staffing in General Hospitals	Requires general hospitals to have clinical staffing committees and create clinical staffing plans
HLT-10-22-00009-P	03/09/23	Updated Retention Standards for Adult Care Facilities	To ensure admission and retention standards for adult care facilities are consistent with the Americans with Disabilities Act
HLT-12-22-00001-P	03/23/23	Clinical Laboratories and Blood Banks	To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel
HLT-12-22-00002-P	03/23/23	Reporting of Acute HIV Infection	To require clinicians to report any case of acute HIV within 24 hours of diagnoses
HLT-23-22-00001-P	06/08/23	Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency
HLT-26-22-00003-P	06/29/23	Repeal of Limits on Administrative Expenses and Executive Compensation	Repeal of Limits on Administrative Expenses and Executive Compensation
HLT-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-39-22-00020-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-51-22-00006-P	12/21/23	Adult Care Facilities	To ensure consistency with various policy interpretations & compliance with the federal home&community based settings final rule
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-35-22-00004-P	11/15/23	The City Rent and Eviction Regulations governing rent control in New York City.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00005-P	11/15/23	The Emergency Tenant Protection Regulations regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00006-P	11/15/23	The State Rent and Eviction Regulations governing statewide rent control.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00007-P	11/15/23	The Rent Stabilization Code regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-01-23-00002-P	01/04/24	Amendments to Regulations of the Affordable Home Ownership Development Program	Comport with above cited statutory amendments.
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-41-22-00024-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
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*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.
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
LPA-51-22-00007-P	..... exempt	Time of Day rates for residential customers.	To give customers bill savings opportunities, lower system costs, and support New York's clean energy transition.

Action Pending Index**NYS Register/January 4, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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
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-52-22-00004-EP	exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-30-22-00001-P	07/27/23	Listing of state parks, parkways, recreation facilities and historic sites (facilities) and address/contact updates	To update the listing of state parks, parkways, recreation facilities and historic sites and the address/contact information
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-22-00004-EP	02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-10-22-00010-EP	03/09/23	Training Flexibilities	To provide flexibility in training requirements
PDD-26-22-00005-P	06/29/23	Gender Identity and Expression	To ensure people are treated with dignity and respect
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
*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

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

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

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

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

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

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PUBLIC SERVICE COMMISSION			
*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
*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.

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PUBLIC SERVICE COMMISSION			
*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
*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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanahan	To determine financial responsibility between NYSEG and Hanahan for the electric service upgrades to Hanahan
*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.

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*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
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment	To ensure that customer bills are based on accurate measurements of gas usage
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	..... exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service	To determine if approving the DPS Staff's recommendations is in the public interest

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*PSC-04-21-00016-P	..... exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs	To modify and improve Community Choice Aggregation programs in New York State
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition
PSC-13-22-00014-P	..... exempt	Petition to develop and construct local transmission projects and to allocate and defer associated costs	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals
PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on and opt-out basis in New York State
PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
PSC-18-22-00007-P	..... exempt	Extension of deadline	Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units
PSC-19-22-00021-P	..... exempt	Brooklyn Clean Energy Hub and cost recovery	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation
PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff
PSC-20-22-00009-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-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-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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00005-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.
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-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-38-22-00004-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-39-22-00007-P	..... exempt	Transfer of indirect ownership of cable television facilities and 27 municipal franchises.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
PSC-39-22-00008-P	..... exempt	Proposed service territory extension, waiver, and tariff revisions.	To determine if proposed territory extension, waiver, and tariff revisions are in the public interest.
PSC-40-22-00003-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-22-00004-P	..... exempt	Sale of real property and granting of a permanent easement.	To determine whether to authorize the proposed sale and grant the permanent easement as well as the proper accounting treatment.
PSC-40-22-00005-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities and the proper accounting treatment.
PSC-40-22-00007-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-41-22-00019-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.
PSC-51-22-00001-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-51-22-00002-P	..... exempt	Competitive solicitations to procure 350MW of energy storage systems.	To modify energy storage solicitations and improve procurement results.
PSC-51-22-00003-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-51-22-00004-P	..... exempt	Waiver of a pipeline safety regulation.	Whether the waiver of the regulation is in the public interest.
PSC-52-22-00010-P	..... exempt	System improvement tracker implementation.	To determine whether to implement the system improvement tracker.
PSC-52-22-00011-P	..... exempt	The Integrated Energy Data Resource platform.	To consider customer consent and utility liability issues related to the Integrated Energy Data Resource.
PSC-52-22-00012-P	..... exempt	A financing arrangement with respect to a proposed wind generating facility.	To consider the requested financing arrangement, and if approved, what regulatory conditions should apply.
PSC-52-22-00013-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-52-22-00014-P	..... exempt	Extension of regulatory deadline.	Whether it is in the public interest to extend the regulatory deadline for Keystone Homes, Inc.'s housing development.
PSC-01-23-00007-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-23-00008-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-23-00009-P	..... exempt	Transfer of direct ownership of cable television facilities and 5 municipal franchises.	To ensure performance in accordance with applicable cable laws, regulations and standards in the public interest.
PSC-01-23-00010-P	..... exempt	Proposed tariff revisions for the summer 2023 capability period in order to improve flexibility and customer participation.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-23-00011-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-23-00012-P	..... exempt	The New York State Reliability Council's establishment of an Installed Reserve Margin of 20.0%	To ensure adequate levels of Installed Capacity.
PSC-01-23-00013-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-23-00014-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by NYSEG.
PSC-01-23-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-01-23-00016-P	..... exempt	Brooklyn Clean Energy Hub alternative and cost recovery.	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation.
PSC-01-23-00017-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by NYSEG.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-23-00018-P	..... exempt	Lease of certain real property.	To determine whether to provide written consent for the proposed transfer of certain real property.
PSC-01-23-00019-P	..... exempt	Energy efficiency and building electrification programs.	To identify and implement potential changes to the energy efficiency and building electrification programs .
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-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
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-23-00001-P	..... 01/04/24	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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.
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-41-22-00002-P	10/12/23	Disability benefits	To update and clarify DB claims process, and conform to statute
WCB-01-23-00005-P	01/04/24	Special Services	To correct typographical error in naming the prior authorization request in the text of the regulation.

REGULATORY AGENDA

Education Department

Pursuant to section 202-d of the State Administrative Procedure Act, the State Education Department presents its regulatory agenda for calendar year 2023. All section and part references are to Title 8 of the New York Code of Rules and Regulations. The State Education Department reserves the right to add, delete or modify, without further notice, except as required by the State Administrative Procedure Act, any item or information presented herein as relating to the 2023 Regulatory Agenda.

OFFICE OF P-12 EDUCATION

Amendment of section 100.2(i) of the Regulations of the Commissioner of Education to allow the reporting of complaints about the use of corporal punishment by BOCES, district or charter school personnel to be done once a year. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(y)(3) of the Regulations of the Commissioner of Education to require that school districts, when notifying parents that students are not residents of the district, must, wherever practicable, specify which district they may be entitled to enroll in. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.2(bb)(3) of the Regulations of the Commissioner of Education relating to special education data reporting requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5 (b) of the Regulations of the Commissioner of Education to allow districts to develop and implement Arts and Health coursework and curriculum without the approval of the State Education Department. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.3 of the Regulations of the Commissioner of Education relating to the PreK-4 Program requirements to reflect the adoption of the new and revised Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.4 of the Regulations of the Commissioner of Education relating to program requirements in grades 5-6 to reflect the adoption of the new and revised Learning Standards. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendments of section 100.2(l) of the Regulations of the Commissioner of Education relating to school conduct and discipline to address the topics of progressive discipline, restorative practices, and equity in school discipline. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendments of section 100.5(d)(8) of the Regulations of the Commissioner of Education regarding requirements for the award of make-up credit to include educational programs administered or supervised by a state agency. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendments of section 100.5(d)(9) of the Regulations of the Commissioner of Education regarding requirements for independent study

to include educational programs administered or supervised by a state agency. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.5(a), (b) and (c) of the Regulations of the Commissioner of Education relating to graduation and diploma requirements. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.3, 100.4, 100.5 of the Regulations of the Commissioner of Education to add Media Arts as a 5th Arts form addressed in the learning standards for the Arts. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.10 (h) of the Regulations of the Commissioner of Education to expand and/or modify the list of annual assessments to be utilized by home instructed students. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 100.19 of the Regulations of the Commissioner of Education relating to: (1) the new identification of schools as struggling schools or placing of schools under independent receivership; (2) receivership and persistently struggling schools/struggling schools; (3) the school intervention plan and independent receivers; and (4) the identification/designation of persistently struggling schools and/struggling school and independent receivership. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of subdivisions (n) and (o) to section 100.21 of the Regulations of the Commissioner of Education relating to: (1) the review of school and district performance, and the accountability status of public schools and districts; (2) definitions regarding school and district accountability designations; and (3) exit criteria. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of section 100.23 to the Regulations of the Commissioner of Education relating to students in foster care. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 114.3 of the Regulations of the Commissioner of Education relating to bidding exemptions for direct purchasing to include a board of cooperative educational services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 116.3 of the Regulations of the Commissioner of Education relating to length of school day. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 117 of the Regulations of the Commissioner of Education relating to diagnostic screening for students who are new entrants, or who have low test scores in reading or mathematics. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.1 of the Regulations of the Commissioner of Education relating to financing of charter schools to correct a

citation and address statutory changes. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.1 of the Regulations of the Commissioner of Education to update the definition of aid attributable to students with disabilities and reflect the regulations around the calculation of tuition rates to make consistent with existing law. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.4 of the Regulations of the Commissioner of Education relating to the location and timelines for charter school hearings. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 119.5 of the Regulations of the Commissioner of Education relating to charter school preferences. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 125 of the Regulations of the Commissioner of Education relating to the requirements for the voluntary registration of nonpublic nursery schools and kindergartens. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of a new Part 131 to the Regulations of the Commissioner of Education relating to the requirements for a basic educational data system code for nonpublic school sites. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Part 135 of the Regulations of the Commissioner of Education to clarify the due process procedures relative to coaching licenses. A regulatory flexibility analysis and a rural area flexibility analysis may be required.

Amendment of section 144.11 of the Regulations of the Commissioner of Education to eliminate the requirement that school districts have an Early Grade Class Size Reduction Plan. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of Subpart 151-1 of the Regulations of the Commissioner of Education to consolidate and update the provisions governing the Universal Prekindergarten Program, consistent with statutory amendments and program implementation. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 154-2.3(m) of the Regulations of the Commissioner of Education relating to the establishment of an alternate criteria for English language learners (ELL) who are also eligible to participate in the New York State Alternate Assessment to exit ELL status.

Amendment of section 155.12 of the Regulations of the Commissioner of Education relating to lease approval and building aid for leased school buildings and facilities by school districts. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 155.17 of the Regulations of the Commissioner of Education relating to annual training requirements for staff. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Repeal of section 155.22 of the Regulations of the Commissioner of Education relating to Qualified Zone Academy Bonds and Qualified School Construction Bonds. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 155.23 of the Regulations of the Commissioner of Education relating to multi-year cost allowance. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 156.7 of the Regulations of the Commissioner of Education to provide additional clarity for the calculation of the non-allowable pupil decimal that adjusts state transportation aid to exclude costs for students transported below aidable limits under current law. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Addition of section 175.14 of the Regulations of the Commissioner of Education Relating to the reimbursement for prekindergarten pupils under the McKinney-Vento Homeless Assistance Act.

Amendment of section 175.6 of the Regulations of the Commissioner of Education relating to the period of establishing enrollment. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.2 of the Regulations of the Commissioner of Education relating to least restrictive environment placements of students with disabilities. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(j) of the Regulations of the Commissioner of Education relating to the impartial due process hearing procedures, including the provisions relating to prehearing conferences, impartial hearing case extensions and as may be necessary to conform to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(h) of the Regulations of the Commissioner of Education relating to special education mediation, including provisions relating to the immediate amendment of the IEP upon written agreement, and as may be necessary to conform to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.5(i) of the Regulations of the Commissioner of Education relating to appeals of State complaint findings. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of sections 200.7 and 200.16 of the Regulations of the Commissioner of Education relating to preschool program approval for school districts, as may be necessary to conform to changes to State statute. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.7(b)(3) of the Regulations of the Commissioner of Education relating to the policy on school conduct and discipline required to be developed by private schools, State-operated schools and State supported schools. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.9 of the Regulations of the Commissioner of Education relating to tuition rates for approved special class integrated setting programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.16(i) of the Regulations of the Commissioner of Education relating to preschool continuum of services and preschool inclusion in early childhood programs. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.21(b) of the Regulations of the Commissioner of Education relating to procedures for the suspension or revocation of impartial hearing officer certification. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 200.22 of the Regulations of the Commissioner of Education as may be necessary to conform to Chapter 516 of the Laws of 2022. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.16(c)(1) of the Rules of the Board of Regents to update delegation of authority with respect to the approval of changes to certain charter school revisions. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.17(a)(3) of the Rules of the Board of Regents to update the revocation proceeding and to allow the Board of Regents to appoint a representative to hear oral arguments on behalf of the Board of Regents and to make a determination in regard to such oral argument. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.17(a)(3) of the Rules of the Board of Regents to update the revocation proceeding to revoke the certificate

of incorporation after the assets of the education corporations have been discharged. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

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OFFICE OF HIGHER EDUCATION

Amendment of section 50.1 of the Regulations of the Commissioner of Education to include a definition of a remedial course and a compensatory course as needed under sections 6451 and 6452 of the Education Law. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of Parts 50 and 52 of the Regulations of the Commissioner of Education concerning registration of undergraduate and graduate postsecondary curricula. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of Parts 50 and 54 of the Regulations of the Commissioner of Education to amend the definitions and procedures related to off-campus instruction and locations. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 3.56 of the Rules of the Board of Regents concerning consent of the Board of Regents to operation in New York by institutions of higher education operating outside of New York to revise the definition of program, to clarify the terms concerning approval of additional programs, and to clarify the terms concerning the submission of new applications. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Repeal of Part 4 of the Rules of the Board of Regents regarding Regents Accreditation. The New York State Board of Regents and Commissioner of Education's recognition by the United States Department of Education as an accrediting agency expires on May 9, 2023. A rural area flexibility analysis and regulatory flexibility analysis may be required.

Amendment of section 52.2(f) of the Regulations of the Commissioner of Education specifying the academic content of a transcript prepared by an institution of higher education. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 145-2.1(a)(iii) of the Regulations of the Commissioner of Education to provide a definition of remedial course(s). A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 145-2.2 of the Regulations of the Commissioner of Education to provide a definition of the term "the recognized equivalent of such certificate" as found in Education Law § 661(4)(f) for the purposes of determining eligibility for the NYS Tuition Assistance Program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 145-2.15(b)(2) of the Regulations of the

Commissioner of Education to clarify the federally approved ability to benefit test administration for the purposes of the NYS Tuition Assistance Program. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Amendment of section 152-1.2 of the Regulations of the Commissioner of Education to insert language concerning remedial, developmental, and compensatory courses. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

William P. Murphy

Deputy Commissioner for Higher Education

New York State Education Department

Office of Higher Education

Room 975, Education Building Annex

89 Washington Avenue

Albany, New York 12234

(518) 440-3620

OHREGComments@nysed.gov

OFFICE OF THE PROFESSIONS

Amendment of Part 64 of the Regulations of the Commissioner of Education relating to implementing statutory provisions that permit a registered professional nurse to execute a standing order for newborn care in a hospital established under Public Health Law § 2803-v, as provided in that section.

Amendment of sections 52.43 and 77.1 of the Regulations of the Commissioner of Education relating to the education requirements for licensure as a physical therapist to conform the education requirements for licensure as a physical therapist to national standards.

Amendment of Part 77 of the Regulations of the Commissioner of Education relating to implementing statutory amendments that update the physical therapy profession from certification to licensure.

Amendment of Part 29 of the Regents Rules relating to definitions of unprofessional conduct in the professions of "clinical laboratory technologist", "cytotechnologist", "certified clinical laboratory technician", "certified histological technician" and "histotechnologist".

Amendment of Parts 52 and 79 of the Regulations of the Commissioner of Education that update the requirements for licensure as a clinical laboratory technologist, cytotechnologist, certified clinical laboratory technician and certified histological technician.

Amendment of Part 79 of the Regulations of the Commissioner of Education relating to implementing statutory provisions that establish the profession of "histotechnologist."

Amendment of Part 29 of the Regents Rules relating to the definitions of unprofessional conduct in the profession of public accountancy.

Amendment of Parts 70.9 of the Regulations of the Commissioner of Education that update the continuing education in the profession of public accountancy.

Amendment of section 61.2 of the Regulations of the Commissioner of Education relating to the licensing examination for dentists to replace Parts I and II of the National Board Examination in dentistry with the Integrated National Board Dental Examination (INDBE).

Amendment of Part 66 of the Regulations of the Commissioner of Education relating to implementing statutory regarding the use of oral medications by optometrists.

Proposed addition of section 29.20 to the Regents Rules and amendment of sections 52.44 and 52.45 and Subparts 79-17 and 79-18 of the Regulations of the Commissioner of Education relating to implementing statutory provisions regarding the licensure and practice of licensed behavior analysts and certified behavior analyst assistants to align New York standards to national standards.

Proposed amendment of section 29.15 of the Regents Rules and

sections 79-9.6, 79-10.6 and 79-12.6 of the Regulations of the Commissioner of Education relating to implementing statutory provisions regarding setting forth the requirements by which mental health counselors, marriage and family therapists, and psychoanalysts may earn the diagnostic privilege.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Sarah S. Benson
Deputy Commissioner for the Professions
New York State Education Department
Office of the Professions
89 Washington Avenue
West Wing, Second Floor - Education Building
Albany, NY 12234
(518) 474-1431
opdepcom@nysed.gov

OFFICE OF CULTURAL EDUCATION

Amendment of Part 90 of the Regulations of the Commissioner of Education, relating to the library and library system programs and services. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above proposed amendment by contacting:

Lauren Moore
Assistant Commissioner for Libraries and State Librarian
New York State Education Department
New York State Library
Room 10C34
Albany, NY 12230
(518) 474-5930
statelibrarian@nysed.gov

Amendment of Part 188 of the Regulations of the Commissioner of Education relating to state government archives and records management to update the annual fees for storage of records in a records center facility. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the above proposed amendments by contacting:

Tom Ruller
Assistant Commissioner for the State Archives
New York State Education Department
Room 9B52 Cultural Education Center
Albany, New York 12230
(518) 474-6926
recmgmt@nysed.gov

OFFICE OF ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)

Amendment to Part 126 of the Regulations of the Commissioner of Education related to the alternative educational and curriculum standards for non-occupational courses. A regulatory flexibility analysis for local government and a rural flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning the modification or continuation of any of the above rules by contacting:

Ceylane Meyers-Ruff
Assistant Commissioner
Office of Adult Career and Continuing Education Services
Room 575 EBA

89 Washington Avenue
Albany, New York 12234
(518) 474-2714

ACCESDeputy@nysed.gov

OFFICE OF MANAGEMENT SERVICES

Amendment of Part 156 of the Regulations of the Commissioner of Education relating to aid on bus purchases and timeliness of contracts. A regulatory flexibility analysis for local government and a rural area flexibility analysis may be required.

Agency Representative:

Information may be obtained, and written comments may be submitted, concerning any of the above proposed amendments by contacting:

Julia Patane
Assistant Counsel
Office of Counsel
State Education Building Room 112
89 Washington Ave., Albany, NY 12234
(518) 474-6400
legal@nysed.gov

Department of Environmental Conservation

Introduction

Each year, pursuant to SAPA, the Department publishes a Regulatory Agenda in the State Register and on its website. This is a listing of the regulations that may be proposed for adoption or amendment within that calendar year.

Division of Air Resources

6 NYCRR Part 200, "General Provisions." Section 200.1 will be amended to update the definition for volatile organic compound and the associated list of compounds that are not volatile organic compounds. This rulemaking would require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Mike Sheehan, NYS Department of Environmental Conservation, 625 Broadway, Albany, New York, 12233-3251. Telephone 518-402-8396. Email: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 200, "General Provisions." Section 200.10 will be amended to update the list of federal air regulations the Department has incorporated by reference. This rulemaking would require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Steve Yarrington, NYS Department of Environmental Conservation, 625 Broadway, Albany, New York, 12233-3254. Telephone 518-402-8403. Email: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 203, "Oil and Natural Gas Sector" will be amended to ensure additional emission reductions for Methane and associated VOCs (Volatile Organic Compounds) in the oil and natural gas sector in the State of New York. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Christopher Cook, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 206, "State Aid for General Air Pollution Control Work, New York City" is obsolete and will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Amanda Bonville, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 212, "Process Operations." This proposal will

repeal Subpart 212-4, “Control of Nitrogen Oxides for Hot Mix Asphalt Production Plants” and create a new regulation, Subpart 220-3, “Hot Mix Asphalt Plants,” to specifically address the emissions of particulate, carbon monoxide, sulfur dioxide, nitrogen oxides (NOx) and High Toxicity Air Contaminants (HTAC) such as formaldehyde, benzene and polycyclic aromatic hydrocarbons. The anticipated regulation will streamline compliance and enact stricter emissions control equipment requirements for new sources built after the applicability date, while also addressing emissions from existing facilities with installation of similar controls on a scheduled reduction plan based upon facility size. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis and a Job Impact Analysis.

Contact: Mike Miliani, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 217, “Motor Vehicles Emissions.” This proposal will revise Subpart 217-5, Heavy Duty Inspection and Maintenance Program, to include updates to the annual Heavy Duty Diesel Vehicle (HDDV) inspection program. Revisions may include more stringent smoke opacity standards to better align with neighboring states, revisions to the hardship waivers, and alignment with NYS DMV regulation for integration within the proposed NYVIP3 inspection and maintenance program. These amendments would be effective November 30, 2022. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Scott Wajda-Griffin, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255. Telephone: 518-402-8292. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 218, “Revisions to Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines”, and Section 200.9 (incorporation by reference) to incorporate the State of California’s Heavy-duty Low NOx Omnibus regulation. Highlights of this proposed regulation may include lower NOx and PM emission standards on existing regulatory cycles as well as a new NOx standard on a new low load certification cycle (NOx standards would be cut to about 75 percent below current standards beginning in 2024 and 90 percent below current standards in 2027); warranty, useful life, and emissions warranty information and reporting improvements; strengthening the heavy-duty durability demonstration program; revisions to the emissions averaging, banking, and trading program improvements; and powertrain certification test procedures for heavy-duty hybrid vehicles. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Scott Wajda-Griffin, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255. Telephone: 518-402-8292. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 218, “Revisions to Part 218, Emission Standard for Motor Vehicles and Motor Vehicle Engines,” and Section 200.9 (incorporation by reference) to incorporate all or portions of the State of California’s proposed Advanced Clean Fleets (ACF) regulation. This regulation under development in California includes medium and heavy-duty truck fleet purchase requirements for three categories of fleets: drayage, high priority & federal fleets, and public fleets. The regulation under development also includes a manufacturer 100% zero emission truck sales requirement beginning in 2040.. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Jeff Marshall, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3255. Telephone: 518-402-8292. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 220: Revisions to Subpart 220-1, “Portland Cement Plants,” will include minor changes to better align with federal

particulate emission and nitrogen oxide monitoring and reporting regulations, which will reduce State monitoring costs. Subpart 220-3, “Hot Mix Asphalt Plants,” will be a new regulation, replacing Subpart 212-4, “Control of Nitrogen Oxides for Hot Mix Asphalt Production Plants” to reduce criteria and non-criteria pollutants from asphalt plants. Subpart 220-3 is intended to streamline compliance for this source category while requiring best available control technologies. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Mike Miliani, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-mail: air.regs@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Subpart 228-3, “Motor Vehicle and Mobile Equipment Repair and Refinishing” (MVMERR). MVMERR requirements will be moved from existing Subpart 228-1, “Surface Coating Facilities,” into new Subpart 228-3. The volatile organic compound limits for MVMERR categories will be reduced as a result of this rulemaking. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Marie Barnes, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 229, “Petroleum and Volatile Organic Liquid Storage and Transfer.” This proposal will include amendments to address volatile organic compound emissions from petroleum bulk storage terminals during certain tank transfer and cleaning procedures. Division of Air Resources will also consider other amendments to the rule as appropriate. This rulemaking will require a Rural Area Flexibility Analysis and Regulatory Flexibility Analysis for Small Business and Local Governments.

Contact: Drew Hoffert, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3254. Telephone: 518-402-8403. E-mail: air.regs@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Part 231, “New Source Review for New and Modified Facilities.” This proposal will include amendments to require provisions for facilities located in areas designated as nonattainment for sulfur dioxide (SO₂). Additionally, Division of Air Resources proposes to amend the definitions of “nonattainment area” at 200.1(av) and “major stationary source or major source or major facility” at 201-2.1(b)(21). Division of Air Resources may also consider revising the requirement to commence construction in 231-3.7, which may necessitate consideration of an analogous provision in 201-1.15.

Contact: Steve Yarrington, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York, 12233-3254. Telephone 518-402-8403. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 250, “Miscellaneous Orders” is obsolete and will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Amanda Bonville, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 251, “CO₂ Performance Standards for Major Electric Generating Facilities.” Part 251 will be revised to reduce emissions from fossil fuel-fired generating units to the maximum extent practicable to achieve the requirements of the Climate Leadership and Community Protection Act while maintaining system reliability. This rulemaking would require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Michael Sheehan, NYS Department of Environmental Conservation, 625 Broadway, Albany, New York, 12233-3251.

Telephone 518-402-8396. Email: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 256, "Air Quality Classification Systems" is obsolete and will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Amanda Bonville, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 260-317, "Albany County, Allegany County, Broome County, Cattaraugus County, Cayuga County, Chautauqua County, Chemung County, Columbia County, Cortland County, Delaware County, Dutchess County, Erie County, Essex County, Franklin County, Fulton County, Genesee County, Green County, Hamilton County, Herkimer County, Jefferson County, Lewis County, Livingston County, Madison County, Monroe County, Montgomery County, Nassau County, New York City, Niagara County, Oneida County, Onondaga County, Ontario County, Orange County, Orleans County, Oswego County, Otsego County, Putnam County, Rensselaer County, Rockland County, St. Lawrence County, Saratoga County, Schoenectady County, Schoharie County, Schuyler County, Seneca County, Steuben County, Suffolk County, Sullivan County, Tioga County, Tompkins County, Ulster County, Warren County, Washington County, Wayne County, Westchester County, Wyoming County, and Yates County," respectively under Subchapter C: "Air Quality Area Classifications," are obsolete and will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis.

Contact: Amanda Bonville, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8396. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

Office of Climate Change

6 NYCRR Part 490, "Projected Sea-level Rise." Statutory Authority: Environmental Conservation Law (ECL), Section 3-0319. Part 490 establishes projections of sea-level rise for relevant geographic regions of New York over various time intervals and was adopted in 2017. The Department will propose updates to Part 490 as required by ECL Section 3-0319 per the Community Risk and Resiliency Act. Contact: Suzanne Hagell, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1030. Telephone: 518-402-8448. E-mail: suzanne.hagell@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 495, "Sulfur Hexafluoride Standards and Reporting." Statutory Authority: Environmental Conservation Law (ECL), Section 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103, 71-2105, 75-0101, 75-0107, 75-0109. This rulemaking will satisfy recommendations from the Climate Action Council Scoping Plan regarding electricity transmission and distribution equipment. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Suzanne Hagell, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1030. Telephone: 518-402-8448. E-mail: suzanne.hagell@dec.ny.gov. Please include the Part number when emailing.

Division of Environmental Permits

6 NYCRR Part 617, State Environmental Quality Review (SEQR). The Department proposes to add approvals of the Office of Renewal Energy Siting (ORES) to the list of Type II category, to conform with Environmental Conservation Law Article 8 (wherein the Legislature excluded such actions from SEQR); in addition, the Department may also make minor clarifications and corrections to the text of Part 617 and 617.20 appendices A and B (Full and Short Environmental Assessment Forms) as a result of its 5-year review of SEQR. This rulemaking will require, among other things, a Regulatory Impact Statement, a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: James Eldred, Environmental Analyst, New York State Department of

Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-1750. Telephone: 518-402-9158. E-mail: derweb@dec.ny.gov.

Division of Environmental Remediation

6 NYCRR Parts 597 and 598, Chemical Bulk Storage Regulations. The existing regulation will be amended to: (1) address future physical climate risk (e.g., sea-level rise, storm surges, flooding, etc.) especially as they pertain to the design, installation, operation, maintenance, and periodic inspection/testing/monitoring of CBS tanks at new or existing facilities; and (2) resolve any discrepancies between certain requirements, where applicable. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Frank Bondi, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov. Please include 'Parts 597 and 598' in the subject line when e-mailing.

6 NYCRR Part 610, Certification of Onshore Major Facilities. The existing regulation will be repealed and replaced to: (1) incorporate appropriate language from the New York State Department of Transportation regulations, 17 NYCRR Parts 30, 31 and 32, that pertains to the administration of the MOSF program, which has been solely handled by the Department since 1985; (2) repeal 17 NYCRR Parts 30, 31 and 32; (3) improve the consistency and clarity of language directing the administration of the MOSF program, which would make explicit in regulation the procedures for licensing MOSFs; and (4) enhance monitoring, maintenance, procedures, and equipment requirements to prevent leaks and spills, by reflecting language from the updated Part 613 and any pertinent federal regulations. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Amiel Lagatic, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov. Please include 'Part 610' in the subject line when e-mailing.

6 NYCRR Part 611, Environmental Priorities and Procedures in Petroleum Cleanup and Removal. The existing regulation will be repealed and replaced to incorporate requirements from Article 12 of the Navigation Law, which prohibits the discharge of petroleum and provides for cleanup and removal of any petroleum discharge. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kevin Hale, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov. Please include 'Part 611' in the subject line when e-mailing.

6 NYCRR Part 613, Petroleum Bulk Storage Regulations. The existing regulation will be amended to: (1) address future physical climate risk (e.g., sea-level rise, storm surges, flooding, etc.) especially as they pertain to the design, installation, operation, maintenance, monitoring, testing, and inspection of PBS tanks at new or existing facilities; (2) incorporate additions to the NYS Environmental Conservation Law; and (3) resolve any discrepancies between certain requirements, where applicable. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Amiel Lagatic, New York State Department of Environmental Conservation, Division of Environmental Remediation, 625 Broadway, Albany, New York 12233-7020. Telephone: 518-402-9553. E-mail: derweb@dec.ny.gov. Please include 'Part 613' in the subject line when e-mailing.

Division of Fish and Wildlife

6 NYCRR Part 1, Sections 1.11, 1.13, 1.18, 1.19, 1.20, 1.24, 1.27, and 1.30. Pertaining to deer hunting, the issuance and use of deer hunting tags, deer management focus areas, deer management permits, and deer management assistance program. Statutory Authority: Environmental Conservation Law Sections 11-0303, 11-0903, 11-0907. Existing regulations will be updated to implement portions of the newly adopted New York State Deer Management Plan including modifications to hunting seasons and tags to better align with deer population

objectives in some parts of the state. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Jeremy Hurst, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 2 and 6, Sections 2.2 and 6.2, Pertaining to hunting and trapping bobcats. Statutory Authority: Environmental Conservation Law, sections 3-0301, 11-0303, 11-0917, 11-1101, 11-1103 and 11-1105. The existing regulation will be updated to establish a free, temporary special permit to hunt or trap bobcats in New York (in addition to the required hunting or trapping license). The special permit requirement will allow for biologists to collect information on participation and harvest pressure to assess the status of the bobcat population. This rule making will not require a Regulatory Flexibility Analysis for Small Business and Local Governments or a Rural Area Flexibility Analysis. Contact: Mandy Watson, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 10, pertaining to Inland Trout Streams. The Department may propose amendments to re-categorize select Inland Trout Streams based on angler use and fisheries survey information. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Fred Henson, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8901. E-mail: fred.henson@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 10, licensing and reporting of sportfishing (freshwater) tournaments. The Department may propose the creation of a sportfishing (freshwater) tournament registry and reporting system for select fish species. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Jeffrey Loukmas, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8901. E-mail: jeffrey.loukmas@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 10, pertaining to Lake Erie walleye. The Department may propose amendments to reduce the minimum size limit for walleye in Lake Erie. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Jason Robinson, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8901. E-mail: jason.robinson@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 10, pertaining to Finger Lakes walleye. The Department may propose amendments to better align walleye regulations in the Finger Lakes to how those lakes are being managed. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Jeffrey Loukmas, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8901. E-mail: jeffrey.loukmas@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 10, pertaining to intentional waste of sport fish. The Department may propose to create a regulation to prohibit the intentional waste of sport fish, and possibly other fish, that could otherwise be used for consumption. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Gregory Kozlowski, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8896. E-mail: gregory.kozlowski@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 10, pertaining to burbot. The Department may propose to revise statewide harvest regulations to provide greater protection for burbot which are experiencing population declines in

waters across the state due to impacts of climate change and other potential anthropomorphic influence. This amendment may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis.

Contact: Lisa Holst, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8901. E-mail:

lisa.holst@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Parts 10, 18, 19 and 35, sportfishing (freshwater) and associated activities. The Department may propose regulatory language clean-up for the purposes of clarification or resolution of language conflicts. These amendments may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Gregory Kozlowski, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233. Telephone: 518-402-8896. E-mail: gregory.kozlowski@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 177, Sporting License Issuance and Use. Amend current regulations to update proof of qualifications for certain licenses to be consistent with updated procedures and potential changes necessary to issue sporting licenses as part of a statewide, shared services electronic licensing system that is currently under development. Also, amend current regulations concerning the description of what constitutes a license issued by DEC to allow for electronic sporting licenses to be carried and presented via electronic device(s). This amendment may require a Regulatory Flexibility Analysis for Small Businesses or a Rural Area Flexibility Analysis. Contact: Mary Bailey, New York State Department of Environmental Conservation, Division of Fish and Wildlife, 625 Broadway, Albany, NY 12233-4750. Telephone: 518-402-8869. E-mail: mary.bailey@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 182, Endangered and threatened fish and wildlife. The existing regulation will be updated to re-establish a process for implementation of Incidental Take Permits, implement the Endangered and Threatened Species Mitigation Bank Fund as required under the 2020 Accelerated Renewable Energy and Community Smart Growth Act and amend the list of endangered, threatened and special concern species. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Daniel Rosenblatt, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8884. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 182, Endangered and threatened fish and wildlife. The existing regulation will be updated to revise the lists of endangered, threatened and special concern species. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Daniel Rosenblatt, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8884. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 189, Pertaining to Chronic Wasting Disease. Statutory Authority: Environmental Conservation Law, sections 03-0301, 11-0325 and 11-1905. The New York State Interagency Chronic Wasting Disease (CWD) Risk Minimization Plan was finalized in May 2018. To prevent the introduction of CWD into the state and protect New York's wild deer and moose from the persistent spread of this always-fatal disease, additional measures are being considered as described in the Risk Minimization Plan. This rule making will not require a Regulatory Flexibility Analysis for Small Businesses and Local Governments or a Rural Area Flexibility Analysis. Contact: Jeremy Hurst, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4754. Telephone: 518-402-8883. E-mail: wildliferegs@dec.ny.gov. Please include the Part number when emailing.

Office of Hearings and Mediation Services

6 NYCRR Part 624, Permit Hearing Procedures. The Department

proposes to amend procedures governing public comment hearings, issues conferences, adjudicatory hearings and interim appeals to the Commissioner from issues rulings by the Administrative Law Judges, to clarify the procedures governing the conduct of proceedings, motion practice, to revise certain definitions and to make various typographical, technical and related corrections. Contact: Michael S. Caruso, New York State Department of Environmental Conservation, Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, New York 12233-1500. E-mail: michael.caruso@dec.ny.gov Please include the Part number when e-mailing.

Division of Lands and Forests

6 NYCRR Part 190, Use of State Lands, Hemlock-Canadice State Forest (Livingston-Ontario State Reforestation Area No.1). Amend existing section 190.26 by applying further restrictions on public use to protect the public water supply since Hemlock and Canadice lakes are a direct source of public water for the city of Rochester and other communities. Contact: Robert Messenger, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4255,

Telephone: (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 190, Use of State Lands, Rush Oak Openings State Forest. Amend Part 190 to include a new section, Rush Oak Openings State Forest. These regulations will protect the state forest by prohibiting certain activities. Contact: Robert Messenger, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4255, Telephone: (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 190, Use of State Lands, Salt Hill State Forest. Amend Part 190 to include a new section, Salt Hill State Forest. These regulations will protect public safety and natural resources on the state forest. Contact: Robert Messenger, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4255, Telephone: (518) 402-9428, E-mail: robert.messenger@dec.ny.gov

6 NYCRR Part 190, Use of State Lands. Amend Part 190 to include a new section,

St. Regis Canoe Area. These regulations will protect the natural resources in the

St. Regis Canoe Area from overuse by applying restrictions to group size, camping, campfires and other activities. Contact: Peter J. Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 190, Use of State Lands, Amend Part 190 to include a new section, Forest Preserve Health and Safety Land Account and Utility Lines/Bicycle Paths. These regulations, authorized by amendments to Article XIV of the New York State Constitution, establish a "land account" for forest preserve land that can be used for certain types of public health and safety projects and for burial of utility lines in road corridors crossing forest preserve lands as well as allowing bicycle trails in these corridors. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518,

E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 190.39, Use of State Lands. Amend Part 190 to include a new section, Neversink River Riparian Corridor, Sundown Wild Forest to protect public safety and natural resources. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 193, Trees and Plants. Amend section 193.3, Protected Native Plants, by updating the lists of endangered, threatened, rare, and exploitably vulnerable plants to reflect changes in population status that have occurred since the last update in 2012. Scientific names will also be updated to reflect current taxonomic nomenclature. Contact: Jason Denham, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4253, Telephone: (518) 402-9410, E-mail: jason.denham@dec.ny.gov

6 NYCRR Part 193, Trees and Plants. Amend sections 193.4,

Definitions, 193.5, Collection, Sale and Conservation of American Ginseng in New York, 193.6, Certification of Ginseng, and 193.7, Ginseng Dealers. The purpose of the proposed regulation is to allow for the harvest and sale of "wild simulated" ginseng. In addition,

establish a license requirement for legal ginseng harvest and revise the minimum plant age for the legal harvest of wild ginseng. A Regulatory Flexibility Analysis and Rural Area Flexibility will be prepared. Contact: Jason Denham, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4253, Telephone:

6 NYCRR Section 190.13, Wilderness Areas in the Adirondack Park. These regulations will address public use on Wilderness Areas in the High Peaks Complex to ensure natural resource protection and public safety while providing a positive user experience. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend section 196.4, Operation of Mechanically Propelled Vessels and Aircraft in the Forest Preserve. These regulations will update the list of lakes and ponds in this section to include those that have been acquired since the list was last updated. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend section 196.7, Operation of Bicycles in the Adirondack and Catskill Forest Preserve. These regulations will update this section, including the existing list of forest preserve areas where bicycles are prohibited. Contact: Peter Frank, New York State Department of Environmental Conservation,

625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518,

E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend section 196.8, Operation of Motorized Equipment in Wilderness, Primitive, Bicycle Corridor and Canoe Areas within the Adirondack and Catskill Forest Preserve. These regulations will update this section, including establishing a list where motorized equipment is prohibited on existing forest preserve units and newly classified forest preserve units. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 196, Operation of Motorized Vehicles, Vessels, Aircraft and Motorized Equipment in the Forest Preserve. Amend sections 196.3 and 196.4, Operation of Motor Vehicles on the Limekiln Lake-Cedar River Road and Operation of Mechanically Propelled Vessels and Aircraft in the Forest Preserve. These regulations will be updated to be consistent with management activities for the Unit, as well as establishing a speed limit for motor vehicles and snowmobiles and restricting use of mechanically propelled vessels on certain bodies of water. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Part 575, Prohibited and Regulated Invasive Species. Amend sections 575.3, Prohibited Invasive Species and 575.4, Regulated Invasive Species to update these lists. The purpose of this Part is to establish procedures to identify and classify invasive species and to establish a permit system to restrict the sale, purchase, possession, propagation, introduction, importation, and transport of invasive species in New York, as part of the Department of Environmental Conservation's statewide invasive species management program, as required by ECL sections 9-1709 and 71-0703. A Regulatory Flexibility and Rural Area Flexibility Analysis will be prepared. Contact: Dave Adams, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4253, Telephone: (518) 402-9149 E-mail: dave.adams@dec.ny.gov

Division of Marine Resources

6 NYCRR Part 10, Sportfishing Regulations. The Department is proposing amendments that pertain to the management of diadromous fish, including striped bass in the Hudson River and tributaries north of the George Washington Bridge, to maintain compliance with the interstate fishery management plan developed by the Atlantic States Marine Fisheries Commission. Proposed amendments could include changes to the season, minimum size limit, possession limit and the manner of take. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, New York 11754. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov. Please reference 6 NYCRR Part 10 when emailing.

6 NYCRR Part 11, More than One Species. The Department is proposing amendments that pertain to the management of diadromous fishes, including American eel, for taking, possessing, sale, or trafficking in the Harlem or East Rivers and the Hudson River. The amendments are needed for New York State to remain in compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission or as directed in the Federal Sustainable Fisheries Act for such species. These amendments will also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. The purpose of these regulations is to protect and to maintain the health of these fish stocks. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, New York 11754. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov. Please reference 6 NYCRR Part 11 when emailing.

6 NYCRR Part 18, Taking Bait. The Department is proposing amendments that pertain to the management of diadromous fishes to take as bait for sportfishing through the use of fishing devices. The amendments are needed for New York State to remain in compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission or as directed in the Federal Sustainable Fisheries Act for such species. These amendments will also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. The purpose of these regulations is to protect and to maintain the health of these fish stocks. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, New York 11754. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov. Please reference 6 NYCRR Part 18 when emailing.

6 NYCRR Part 35, Licenses. The Department proposes to establish new reporting requirements for certain inland commercial fishery license holders, consistent with those in Part 40 for the same regulated species. The Department also proposes to reduce the number of types of licenses issued and to increase the fees charged for certain licenses. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, 123 Kings Park Blvd, Kings Park, New York 11754. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov. Please reference 6 NYCRR Part 35 when emailing.

6 NYCRR Part 36, Gear and Operation of Gear. The Department is proposing amendments that pertain to the management of diadromous fishes in the Hudson and Delaware Rivers and are needed to maintain compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC) or as directed in the Federal Sustainable Fisheries Act for such species. The amendments will also comply with the requirements of Environmental Conservation Law regarding the management of anadromous species. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility

Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, New York 11754. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov. Please reference 6 NYCRR Part 36 when emailing.

6 NYCRR Part 40, Marine Fish. The Department proposes to amend regulations pertaining to the management of marine and diadromous fishes, including striped bass, to maintain compliance with fishery management plans developed by the Atlantic States Marine Fisheries Commission (ASMFC), or with the requirements of Environmental Conservation Law, or pursuant to the Federal Sustainable Fisheries Act for such species. Proposed amendments will also provide compliance with National Marine Fisheries Service requirements and other federal laws. The Department proposes to amend the regulations to define what methods are allowed for recreational anglers to take fish, including requirements related to the use of circle hooks. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters; and to create a definition for proof of residency and establish requirements for providing such proof of residency when obtaining marine licenses and permits. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters who also hold federal harvesting licenses. The amendment would require federal license holders to advise the Department if they are required to report to any federal agencies. In addition, the amendment would clarify reporting requirements specific to federal Highly Migratory Species (HMS) permits. The Department proposes to amend reporting requirements for Food Fish and Crustacea Dealers and Shippers license holders to more clearly detail information that must be included on purchase reports. The Department proposes to amend reporting requirements for Marine and Coastal District Party and Charter Boat License holders to require weekly reporting. The Department proposes to amend the striped bass and summer flounder commercial fishing special regulations to replace qualifications for permits and make changes to striped bass commercial fishing permit reissuance and striped bass commercial permit tag provisions. New regulations would be proposed to make changes in the summer flounder commercial fishing special regulations to add language for re-qualification similar to that in the striped bass commercial fishing special regulations. The Department proposes to adopt regulations to establish a commercial eel permit with reporting requirements statewide, and to extend coverage by the general provisions of this part to include Rockland and Putnam Counties and ensure that commercial possession and sale is covered statewide. The Department proposes to amend commercial fishing regulations for American eel to establish quota-based fishing limits and closures. The Department proposes to adopt regulations which will require the use of bait bags when fishing with eel pots. The Department proposes to change the open season for striped bass commercial fishing. The Department proposes to adopt changes to the shipping, labeling and packing requirements to require harvester's fishing vessel trip report numbers on labels for quota managed species and adopt regulations to clarify provision for records retention by food fish shippers and dealers. The Department proposes amendments to establish seasonal area gear closures and gear modifications to decrease bycatch of Atlantic sturgeon. The Department proposes to adopt gear and manner of take restrictions for the shore-based shark fishery to discourage fishing on prohibited shark species. The Department also proposes to adopt handling requirements for recreational shark anglers to maximize the chances of survival of sharks being released. The Department proposes additional regulations that ensure New York State commercial and recreational fishermen remain in compliance with NOAA shark fishery requirements. The Department proposes amendments to establish rules pertaining to commercial tautog tag issuance, allocation, and accountability. The Department also proposes regulations governing the application of tags, the sale and possession of tagged and untagged fish, and reporting/record keeping requirements for harvesters and dealers as it pertains to tagged tautog. The Department proposes rules to implement gillnet and pot gear restrictions, marking requirements and other measures to comply with the federal Marine Mammal Protection Act. The Department proposes to adopt regulations that implement a northern puffer fish minimum size limit, possession limit

and/or open season for recreational and/or commercial fisheries. The Department proposes to adopt regulations for the management of cobia, a quota-based fishery. The Department proposes to adopt regulations that would require Marine and Coastal District Party and Charter Boat License holders to retain racks of filleted scup and black sea bass for inspection by Law Enforcement. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: John Maniscalco, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0430. E-mail: john.maniscalco@dec.ny.gov. Please reference 6 NYCRR Part 40 when emailing.

6 NYCRR Part 41, Sanitary Condition of Shellfish Lands. As necessary, the Department will propose to amend regulations that specify the classification (certified or uncertified) of shellfish lands. These amendments are necessary to protect public health by designating lands that do not meet bacteriological water quality criteria as uncertified or closed to shellfish harvesting. Shellfish lands that meet the water quality criteria are designated as certified (open) for the taking of shellfish. The Department also proposes that shellfish lands that have not been subject to a sanitary survey conducted within the previous ten (10) years be designated as uncertified. Shellfish are defined in law as oysters, scallops, and all kinds of clams and mussels. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Matt Richards, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0491. E-mail: matt.richards@dec.ny.gov. Please reference 6 NYCRR Part 41 when emailing.

6 NYCRR Part 42, Sanitary Control Over Shellfish. The Department proposes to amend regulations pertaining to the sanitary, record keeping, and reporting requirements and to require *Vibrio* control plans and introduce educational requirements, as necessary, to protect public health and allow for the modification of any conditions placed on permit activities after the permit has been issued for shellfish harvesters and shippers needed to comply with the guidelines of the National Shellfish Sanitation Program (NSSP), the federal regulations regarding interstate shipment of shellfish, and the Environmental Conservation Law. The proposed regulations will modify the descriptions of allowable activities under each category of shellfish shipper permits and the harvester permit consistent with the NSSP and the Environmental Conservation Law and amend and clarify descriptions of shellfish harvest areas to clearly delineate geographical sites where shellfish are harvested. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Debra Barnes, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0477. E-mail: debra.barnes@dec.ny.gov. Please reference 6 NYCRR Part 42 when emailing.

6 NYCRR Part 43, Surfclam/Ocean Quahog Fishery Management. The Department proposes to amend regulations pertaining to the management of surfclams and ocean quahogs that are consistent with the provisions of fishery management plans adopted by the Department and allow for the orderly implementation of any changes to the Environmental Conservation Law for the surfclam fishery. All amendments may describe changes to permit requirements and eligibility, harvest limits, gear restrictions, record keeping, and reporting requirements. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Chelsea Miller, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-449-9037. E-mail: chelsea.miller@dec.ny.gov. Please reference 6 NYCRR Part 43 when emailing.

6 NYCRR Part 44, Lobsters and Crabs. The Department proposes to amend regulations pertaining to the management of lobsters, decapod crabs, and horseshoe crabs to maintain the health of such species and to prevent the introduction of exotic species. These proposed regulations would comply with fishery management plans developed by the Atlantic State Marine Fisheries Commission (ASMFC) for

these species and with requirements of the Environmental Conservation Law. The proposed regulations would include general provisions consistent with those found in Part 40. The proposed amendments would establish rules on crab dredging including possible open crab dredge seasons and areas, establish crab pot and trot line limits, revise blue crab size limits, and establish a special permit for non-commercial blue crab harvest and reporting requirements. The Department proposes to amend reporting and record keeping requirements for State licensed harvesters to be consistent with the requirements in Part 40. The Department proposes to amend reporting requirements for Food Fish and Crustacea Dealers and Shippers license holders to more clearly detail information that must be included on purchase reports. The Department proposes to adopt regulations to implement the new ASMFC Interstate Fishery Management Plan for Jonah Crab which would define the directed fishery, include a special permit, bycatch limit, gear and/or effort controls and other management measures based on details of the plan. The Department proposes to clarify current language and remove unnecessary regulations. Horseshoe crab regulations will be proposed to allow more control over the harvest and storage of horseshoe crabs. Rules will be developed to better manage the horseshoe crab biomedical harvest, biomedical users and biomedical bleeders. Rules would also be developed to prohibit the importation, possession and use of Asian horseshoe crabs. ASMFC will be developing an Addendum to the lobster management plan to scale the size of the Southern New England lobster fishery to the size of the resource and to respond to the continued depletion of the stock. In addition, ASMFC has developed an Addendum to collect better harvest location data for lobster and Jonah Crab fisheries by establishing requirements for electronic tracking devices aboard vessels in these fisheries. The Department would propose lobster regulations based on the details of these Addenda. The Department would propose rules to prohibit the liberation of non-local crustaceans into New York's marine district. Rules would be developed to modify lobster trap tag allocations in order to implement trap transferability program and decrease trap effort. The Department proposes to develop rules to implement lobster gear restrictions, marking requirements and other measures to comply with the federal Marine Mammal Protection Act. The Department will also develop rules to establish a minimum age for the non-commercial lobster license. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Christopher Scott, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0429. E-mail: christopher.scott@dec.ny.gov. Please reference 6 NYCRR Part 44 when emailing.

6 NYCRR Part 45, Transplanting of Shellfish. The Department proposes to amend regulations pertaining to the transplanting of shellfish that are necessary for the protection of the public health, compliance with federal guidelines, and minimum requirements from the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO). The proposed regulations would amend requirements for permits, transplanting of shellfish, periods of transplanting, relay area certification, and establish requirements for recordkeeping and reporting. The proposed regulations would also establish requirements for water quality, shellfish testing, and bacterial reduction (cleansing) studies. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Wade Carden, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0481. E-mail: wade.carden@dec.ny.gov. Please reference 6 NYCRR Part 45 when emailing.

6 NYCRR Part 47, Certification of Shellfish Lands. The Department proposes technical amendments that would update definitions to match those in 6 NYCRR Part 42 and to remove the word "uncertified" where it appears in two subparagraphs that specify the water quality criteria overlying certified shellfish lands. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Matt Richards, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754.

Telephone: 631-444-0491. E-mail: matt.richards@dec.ny.gov. Please reference 6 NYCRR Part 47 when emailing.

6 NYCRR Part 48, Marine Hatcheries, On-Bottom and Off-Bottom Culture of Marine Plant and Animal Life. The Department proposes to amend regulations pertaining to the sale of cultured food fish and other cultured food products for consumption or resale. The proposed regulations would amend requirements for marking and identification of cultivation products in commercial markets,

requirements for permits, and record keeping and reporting requirements. The Department proposes to amend regulations pertaining to application standards and requirements for issuance of marine hatchery and on- and/or off-bottom culture permits. This amendment is necessary to ensure that these standards and requirements are consistent with guidelines of the National Shellfish Sanitation Program (NSSP) Model Ordinance (MO), including the applicant's submission of a written operational plan that considers all activities which may pose a significant public health concern, including, but not limited to, shellfish seed production in waters classified as uncertified, aquaculture structures that attract birds or mammals, and aquaculture husbandry practices. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Jennifer O'Dwyer, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0489. E-mail: jennifer.odwyer@dec.ny.gov. Please reference 6 NYCRR Part 48 when emailing.

6 NYCRR Part 49, Shellfish Management. The Department proposes to adopt regulations for the management of hard clams, soft or steamer clams and razor clams. The management measures include provisions for size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility, record keeping and identification requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale. The Department proposes to amend regulations pertaining to the possession of oysters of less than legal size which is needed to ensure enforceability and compliance with the minimum size requirements for harvest of wild (natural) oysters in the marine district. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Government as well as a Rural Area Flexibility Analysis. Contact: Debra Barnes, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0477. E-mail: debra.barnes@dec.ny.gov. Please reference 6 NYCRR Part 49 when emailing.

6 NYCRR Part 50, Miscellaneous Marine Species. The Department proposes to adopt new regulations for the protection and management of various other marine species. The immediate need is for the adoption of regulations for the protection and management of whelks (also known as conch, Busycon and Busycotypus spp). These regulations would include bycatch possession rules, trap limits and other regulations necessary to manage the whelk fishery. The Department proposes to amend reporting and record keeping requirements for State license holders to be consistent with the requirements in Part 40. The Department also proposes to adopt regulations detailing marine mammal and sea turtle viewing restrictions including minimum distance, speed restrictions and prohibition on feeding. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Government and a Rural Area Flexibility Analysis. Contact: Christopher Scott, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0429. E-mail: christopher.scott@dec.ny.gov. Please reference 6 NYCRR Part 50 when emailing.

Division of Materials Management

6 NYCRR Part 321, Pesticides in Grape Vineyards, Chautauqua County, Northern Townships, Part 322 Pesticides in Grape Vineyards, Niagara County, Part 323 Pesticides in Grape Vineyards, Chautauqua County, Southern Townships, Part 324 Pesticides in Grape Vineyards, Erie County, and Part 325 Application of Pesticides will be repealed and replaced with new Parts 321-325. This rulemaking will include

comprehensive reorganization and revisions to the current rule to update the current pesticide use regulations, including the use of pesticides classified by the USEPA as exempt from the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act. These pesticides are commonly known as 25(b) or minimum risk pesticides. This rulemaking will also incorporate federal certification and training regulations contained in 40 CFR Part 171 and the provisions currently in Part 326 Registration and Classification of Pesticides related to the sale of restricted use pesticides. In addition, Part 326 will be revised to address the registration of minimum risk pesticides and remove references to outdated pesticides. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Anthony Lamanno, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7254. Telephone: 518-402-8727. E-mail: Pestregs@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Part 327, Use of Chemicals for the Control or Elimination of Aquatic Vegetation. Part 327 will be amended to incorporate relevant provisions of Part 328 (Use of Chemicals for the Control or Elimination of Undesirable Fish) and Part 329 (Use of Chemicals for the Control or Elimination of Aquatic Insects) and to reflect the current statutory requirements of Section 15-0313 of the Environmental Conservation Law. 6 NYCRR Part 328 and 6 NYCRR Part 329 will be repealed. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Mark Solan, New York State Department of Environmental Conservation, 1130 North Westcott Road, Schenectady, NY 12306. Telephone: 518-357-2045. E-mail: aqpestregs@dec.ny.gov. Please include the Part number when e-mailing.

A new Part 352 will be added that will include subparts related to the regulation of chemicals. The following subparts are proposed.

6 NYCRR Subpart 352-1, 1,4-Dioxane Limits for Household Cleansing, Personal Care, and Cosmetic Products. A new law establishes limits on the amount of 1,4-dioxane that can be present in household cleansing (Article 35), personal care and cosmetic (Article 37) products sold in New York State and establishes a penalty for noncompliance with the requirements added to Article 37 (Article 71). The limitations take effect on January 1, 2023, and January 1, 2024, but manufacturers may apply for a one-year waiver and one-year extension. The amendments to Articles 35 and 37 authorize the Department to promulgate any regulations deemed necessary to implement such provisions and the addition of Article 71 extends the penalty to violations of any rules and regulations promulgated by the Department. The proposed rulemaking will add a new 6 NYCRR Part 352 subpart 352-1 Product Ingredient Disclosure and Limits which will contain the regulations that implement the 1,4-dioxane limits for household cleansing, personal care, and cosmetic products, as well as any other future similar laws around ingredient disclosure or restrictions. This rulemaking will include definitions, details of the waiver process, details of the process to review and amend the stated thresholds for 1,4-dioxane, and methods for verifying if a product is in compliance. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Conor Shea, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7253. Telephone: 518-402-8706. E-mail: 1-4D.HCPCproducts@dec.ny.gov. Please include 'Subpart 352-1' in the subject line when e-mailing.

6 NYCRR Subpart 352-2, Toxic Chemicals in Children's Products. On April 1, 2020, the Legislature adopted chapter amendments to a new law, codified at Title 9 of Article 37 of the ECL, regulating toxic chemicals in children's products. The law requires manufacturers of children's products to report the presence of any chemical of concern (COC), as identified by the DEC, and high priority chemical (HPC), as identified in the law or by DEC, to the DEC by March 1, 2023. The law includes various DEC responsibilities, including a requirement to promulgate regulations that contain a list of chemicals of concern by March 1, 2022. DEC must consult with the Department of Health in determining which chemicals should initially be identified as COCs

and then periodically thereafter to determine if chemicals should be added or removed from the list of COCs or HPCs. This new rulemaking will add a new proposed Subpart 352-2 Toxic Chemicals in Children's Products and will include: definitions, a list of COCs, a list of HPCs, the method and frequency of reporting, information that must be included in manufacturer reports, and fees associated with submitting a report or waiver to the DEC. The proposed regulation will also require information that must be included in the notice that manufacturers provide to those who sell or distribute their products within the State about the presence of HPCs in a product, information that must be included in the statement of compliance that manufacturers must provide to DEC upon request, and the frequency and process for periodically reviewing the COC and HPC lists with DOH. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Conor Shea, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7253. Telephone: 518-402-8706. E-mail: TCCPprogram@dec.ny.gov. Please include 'Subpart 352-2' in the subject line when e-mailing.

6 NYCRR Subpart 352-3, Regulation of Chemicals in Upholstered Furniture, Mattresses, and Electronic Displays (Flame Retardants). The Flame Retardants Law (Title 10 of Article 37 of the ECL) prohibits the sale or offering for sale after December 1, 2024, of new upholstered furniture or mattresses, or electronic displays that contains, or a constituent component of which contains, any covered flame retardant chemical, individually or in combination, that (a) is at or above levels set by the department in regulation; or (b) intentionally added. The Law also prohibits the repair of upholstered furniture using replacement components containing covered flame retardant chemicals after December 1, 2025. Additionally, the Law prohibits the sale of electronic displays in the state after December 31, 2022, unless the manufacturer has submitted an annual report, in a form determined by the Department, that identifies all organohalogen flame retardants used in the enclosure or stand. The rulemaking will add a new subpart 352-3 Regulation and Reporting of Retardant Chemicals to implement the Flame Retardants Law and will include definitions, maximum allowable levels of covered flame retardant chemicals in upholstered furniture and mattresses, details of the annual reporting requirement for electronic displays, and test methods for verifying if a product complies with the maximum allowable levels established in the regulations. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Conor Shea, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7253. Telephone: 518-402-8706. Email: FlameRetardants@dec.ny.gov. Please include "Subpart 352-3" in the subject line when emailing.

6 NYCRR Part 367, Returnable Beverage Containers. This rulemaking will incorporate revisions to the statute that specifically changed and, in some cases, change the Part 367 regulations that were promulgated in 1983; reflect changes in the way the industry and the regulated community now comply with these regulations; and include changes that will lead to improved compliance and enforcement. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Jennifer Kruman, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7253. Telephone: 518-402-8706. E-mail: nybottle@dec.ny.gov. Please include the Part number when e-mailing.

6 NYCRR Parts 370, 371, 372, 373, 374 and 376, Hazardous Waste Management Regulations ('FedReg6'). This rulemaking will incorporate, as appropriate, federal rules that were adopted between July 31, 2013, and the present, which include regulations governing recycling of hazardous materials; electronic manifest requirements; reorganization and updates to regulations pertaining to hazardous waste generators; management of hazardous waste pharmaceuticals; and may include regulations addressing the management of vehicle air bags and aerosol cans, and updates to ignitability testing methods. This rulemaking may also include state-initiated changes related to classification of permit modifications, secondary containment requirements for liquid hazardous waste, used oil management, and manage-

ment of paint waste and waste solar panels. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Michelle Ching, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7020. Telephone: 518-402-8651. E-mail: hwregs@dec.ny.gov. Please include 'FedReg6' in the subject line when e-mailing.

6 NYCRR Parts 370, 371 and 374, Addition of Aerosol Cans and Paint to the Universal Waste Rule. The proposed rulemaking amends 6 NYCRR Subpart 374-3: Universal Waste Rule and related sections of 6 NYCRR Parts 370, 371, 373 and 376 of the hazardous management regulations. Paint and aerosol cans are proposed to be added to the state universal waste rule and management standards specific to paint waste and to aerosol cans are proposed including labeling, accumulation time limits, personnel training, transportation requirements, and specific standards for accumulation and consolidation at collection sites. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Alison Egbon, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7020. Telephone: 518-402-8651. E-mail: hwregs@dec.ny.gov. Please include 'Subpart 374-3 Aerosol Cans and Paint Universal Waste Rule' in the subject line when e-mailing.

6 NYCRR Part 381, Transporters of Low-Level Radioactive Waste. This rulemaking will adopt applicable requirements of the federal Nuclear Regulatory Commission (NRC) regulations. These changes are needed to conform with (NRC) regulation revisions from 2012 through 2021. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Daniel Evans, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7256. Telephone: 518-402-8652. E-mail: Regs.Radiation@dec.ny.gov. Please include 'Part 381' in the subject line when e-mailing.

6 NYCRR Part 384, Cleanup Criteria for Remediation of Sites Contaminated with Radioactive Material. This rule is being developed to adopt applicable sections of the federal Nuclear Regulatory Commission's (NRC) License Termination Rule (LTR), which establishes cleanup criteria for radiologically contaminated sites, and the Timeliness of Decommissioning Rule, which outlines necessary steps for the planning and implementing of site cleanups. Program staff are coordinating adoption of these rules with the New York State Department of Health and the New York City Department of Health and Mental Hygiene to ensure compatibility, as they must also adopt applicable sections of these federal rules. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Thomas Papura, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7256. Telephone: 518-402-8652. E-mail: Regs.Radiation@dec.ny.gov. Please include 'Part 384' in the subject line when e-mailing.

6 NYCRR Part 483, Hazardous Waste Program Fees. This rulemaking will amend Part 483 to incorporate statutory changes made to the Hazardous Waste Program Fees in Environmental Conservation Law section 72-0402. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Tom Killeen, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-7256. Telephone: 518-402-8651. E-mail: hwregs@dec.ny.gov. Please include 'Part 483' in the subject line when e-mailing.

6 NYCRR Part 659, Household Cleansing Product Information Disclosure Requirements. The Department is considering revisions to 6 NYCRR Part 659 to clarify the information manufacturers should provide pursuant to Article 35 and the method by which the information should be provided. Part 659 implements Article 35, which, in part, authorizes the Department to promulgate regulations to require manufacturers of household cleansing products to disclose information regarding such products in a form prescribed by the commissioner. Amendments to the rule will include the addition of applicable definitions, and the addition of provisions which will provide direction on

specific information to be disclosed, direction on withholding information deemed confidential, and direction on web posting requirements by which manufacturers should disclose information to ensure that it is easy to find, machine readable, and accessible to all. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments, and a Rural Area Flexibility Analysis. Contact: Conor Shea, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7253. Telephone: 518-402-8706. E-mail: productdisclosure@dec.ny.gov. Please include 'Part 659' in the subject line when e-mailing.

Division of Mineral Resources

6 NYCRR Parts 420, 421, 423, and 425. The Department is proposing to amend 6 NYCRR Parts 420 to 425 to: (1) clarify ambiguous sections; (2) strengthen portions of the regulations; (3) reflect changes in the regulatory fee structure and civil penalties; and (4) reflect changes in scientific knowledge. Amendments to these regulations would be done as one package. The Department is proposing to repeal and replace Part 422 to update requirements regarding the Mined Land-Use Plan.

6 NYCRR Part 420, General. Amend current regulations to expand the definitions to include words used to describe abandonment, technical terms associated with blasting, bluestone, and other terms to ensure consistency with the Mined Land Reclamation Law. Also add regulatory provisions to clarify what projects will be considered construction projects under the Mined Land Reclamation Law.

6 NYCRR Part 421, Permits. Amend current regulations to: (1) add language requiring a mining termination notice to be filed if a complete renewal application is not received within 30 days of the expiration of the permit; (2) add a section codifying the criteria for determining if an excavation is exempt from requiring a mining permit; (3) update the annual regulatory fee schedule to be consistent with the current rates; and (4) restore the alterations and modifications section for proposed changes that are ministerial in nature.

6 NYCRR Part 422, Mined Land-Use Plan. Repeal and replace Part 422 of the current regulations to: (1) revise the language for mined land-use plan requirements; (2) add an expanded section describing the required elements for the graphic portion of the mined land-use plan; and (3) add expanded sections addressing dust control, noise control, visual pollution, water resource protection, sediment and erosion control, and blasting.

6 NYCRR Part 423, Reclamation Bond. Amend current regulations to replace the word bond with financial security throughout the section to reflect the variety of financial instruments that may satisfy the need for financial assurance for reclamation.

6 NYCRR Part 425, Civil Penalties. Amend current regulations to change civil penalties amounts to reflect changes made to ECL § 71-1307(1) subsequent to the last revisions to the regulations.

This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Matthew Podnieszinski, New York State Department of Environmental Conservation, Division of Mineral Resources, 625 Broadway, 3rd Floor, Albany, NY 12233-6500. Telephone: 518-402-8076. E-mail: matthew.podnieszinski@dec.ny.gov Please include the Part number when emailing.

Division of Water

6 NYCRR Part 502 - Floodplain Management Criteria for State Projects. Revisions would update language to comply with enabling legislation and would update criteria to comply with changes in Federal Emergency Management Agency regulations and New York State Building Code. Part 502 was last updated in 1984. Revisions would include updated definitions, clarifying floodway encroachment requirements, changing lowest floor elevation requirements to reflect the Building Code of New York State, and clarifying the variance application and decision process. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kenneth Kosinski, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3504. Telephone 518-402-8110. E-mail: kenneth.kosinski@dec.ny.gov

6 NYCRR Part 505 - Coastal Erosion Management. Part 505 of 6 NYCRR was last amended in March 1988. Revisions would include clarifying definitions, adding new defined terms, and clarifying language regarding regulated activities in natural protective features areas. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Kenneth Kosinski, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3504. Telephone: 518-402-8110. E-mail: kenneth.kosinski@dec.ny.gov

6 NYCRR Part 601 - Water Withdrawal. Revisions are needed to clarify permit exemptions; add new defined terms; and clarify language regarding regulated activities. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Karen Stainbrook, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3508. Telephone: 518-402-8086. E-mail: karen.stainbrook@dec.ny.gov

6 NYCRR Part 602 - Long Island Water Wells. Revisions are needed to reflect that the permit exemption for agricultural water wells on Long Island has been eliminated in ECL section 15-1527; provide an exemption for temporary dewatering wells, remedial wells, and closed loop geothermal systems consistent with Part 601; and clarify permit requirements for small public water supplies. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Karen Stainbrook, New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-3508. Telephone: 518-402-8086. E-mail: karen.stainbrook@dec.ny.gov

6 NYCRR Parts 609, and 700 - 706 Water Quality Standards (Triennial Review Rulemakings). Revisions would add/revise ambient water quality standards, standard-setting procedures, implementation procedures, and other regulatory provisions. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Alexander Smith, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3502. Telephone 518-402-8287. E-mail: alexander.smith@dec.ny.gov

6 NYCRR Parts 858, 885, 890, 891, 935 - New York City Waters Reclassification. Revisions would reclassify surface waters, as appropriate, to provide water quality protection consistent with designated best usages, as well as the Clean Water Act (CWA) Section 101(a)(2) goals. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments. Contact: Alexander Smith, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3502. Telephone 518-402-8287. E-mail: alexander.smith@dec.ny.gov

6 NYCRR Part 910 - St. Lawrence River Drainage Basin. Revisions would reclassify surface waters, as appropriate, to provide water quality protection consistent with designated best usages, as well as the Clean Water Act (CWA) Section 101(a)(2) goals. This rulemaking may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Alexander Smith, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3502. Telephone 518-402-8287. E-mail: alexander.smith@dec.ny.gov

Department of Motor Vehicles

Pursuant to section 202-d of the State Administrative Procedure Act, the Department of Motor Vehicles presents its regulatory agenda for 2023. All references are to Title 15 of the New York Code of Rules and Regulations. The Department reserves the right to add, delete or modify any item presented in this agenda.

Part 7 - Amend Part 7 regarding pre-licensing courses to ensure compliance with statute and course integrity, and to enhance consumer protections.

Part 35 - Amend Part 35 to align with agency transformation efforts and take advantage of newer technology with the intent of identifying ways to enhance insurance industry compliance and maintain NY's

low uninsured motorist rates. Part 35 regulations are provided for under Article 6 of the NYS VTL.

Part 44 – Amend Part 44 to bring regulation in alignment with statutory requirements of VTL § 375(41).

Part 56 – Amend Part 56 to clarify when school busses may use strobe lights.

Part 76 – Amend Part 76 to make numerous technical and clarifying amendments to modernize the requirements for driving school operation and enhance consumer protections.

Part 79 – Amend Part 79 to align with agency transformation efforts and various emission inspection requirements required by the NYS Department of Environmental Conservation and the US EPA. Part 79 regulations are provided for under Article 5 of the NYS VTL.

Part 79 – Amend Part 79 to ensure safety of motorists by requiring a vehicle to fail safety inspection if such vehicle has an unresolved Takata air bag recall.

Part 81 – Amend Part 81 pursuant to statutory changes.

Part 91 – Amend Part 91 to ensure transmission of conviction information to the Department in an efficient manner.

Part 122 – Amend Part 122 to modernize the delivery of traffic infraction information to the Department.

Part 131 – Amend Part 131 to update point values to ensure they reflect appropriate consequences for drivers.

Part 134 – Amend Part 134 to allow DMV to review course fees charged by Impaired Driver Program providers to ensure a sufficient supply of program providers.

Part 136 – Amend Part 136 to require a problem driver restriction with a 5-year IID for applicants approved for a relicensure after a request for unusual, compelling and extenuating circumstances which would align regulation with procedure.

Part 136 – Amend Part 136 to address denial of relicensure criteria.

Part 136 – Amend Part 136 to add a chemical test refusal as a reason to revoke a restricted license, to change the time period stated for problem driving restriction with IID from 3 years to 5 years, and to make technical changes.

Part 141 – Amend Part 141 to clarify requirements regarding validation of course participant identity and participation.

Office of Temporary and Disability Assistance

Pursuant to State Administrative Procedure Act (SAPA) § 202-d, the Office of Temporary and Disability Assistance (OTDA) is required to publish a regulatory agenda for those regulations that it is considering for publication in the New York State Register. Set forth below is an agenda for 2023. SAPA § 202-d does not preclude OTDA from proposing for adoption a regulation that is not described in the agenda, nor does it require OTDA to propose for adoption a regulation that is described in the agenda.

All references are to Title 18 of the New York Codes, Rules and Regulations (NYCRR) unless otherwise noted. The agenda items are organized pursuant to the Part of Title 18 NYCRR that most likely would be amended. However, the agenda items eventually could require amendments to different Parts than those listed below and/or to more than one Part of Title 18 NYCRR.

Part 301 – Veteran Assistance

Amend regulations to replace gender-specific terms with gender-neutral terms.

Part 311 – Change of Residence

Amend regulations to repeal certain residency requirements to reflect current policies and practices.

Part 340 – Public Access to Department Records under the Freedom of Information Law

Update regulations concerning public access to records under the Freedom of Information Law to reflect the current organization of the Department of Family Assistance.

Part 346 – Support Collection

Update regulations to allow for reporting increases in the amount subject to administrative enforcement in certified cases.

Part 347 – Establishment of Paternity and Enforcement of Child Support

Revise regulations to permit electronic provision of notices and communications related to case closure and desk reviews of the distribution and disbursement of support collections.

Update regulations to allow the noncustodial parent's copy of an electronic income withholding order (i.e., e-IWO) to be transmitted electronically, consistent with federal program rules.

Revise regulations concerning the provision of child support services in intergovernmental cases.

Update regulations to be consistent with the federal rules regarding case closure criteria, as set forth in Title 45 Code of Federal Regulations § 303.11, and to increase the options available to social services districts (districts) to close cases, if certain conditions are met.

Part 351 – Investigation and Eligibility

Amend regulations relative to eligibility interviews by telephone or other digital means at the request of a public assistance applicant or recipient.

Part 352 – Standards of Assistance

Amend regulations to make technical updates to Part 352, including updating references to “aid to dependent children” and “home relief” with “family assistance” and “safety net assistance” respectively.

Amend regulations to update and clarify standards pertaining to hotels and motels used as placements for recipients of temporary housing assistance.*

Amend regulations to implement changes to public assistance policy consistent with SSL 131-a, which provides districts the option to cap the contributions toward their monthly shelter costs to thirty percent of their monthly gross earned income, prior to applying appropriate disregards, and/or unearned income, for individuals living with HIV/AIDS.*

Update regulations to conform with SSL § 131-n(1)(k), which specifies that Achieving a Better Life Experience (ABLE) program accounts are exempted for public assistance purposes.

Amend regulations to conform with Part U of Chapter 56 of the Laws of 2022 to increase public assistance resource limits, permit public assistance recipients to save more money over time before losing eligibility for public assistance, and allow public assistance applicants to be eligible for public assistance with a higher amount in liquid resources.

Amend regulations to conform with Part U of Chapter 56 of the Laws of 2022 to clarify public assistance earned income and work expense disregards and income tests for public assistance eligibility.

Part 358 – Fair Hearings

Update regulations to clarify that the term “hearing officer” may be used interchangeably with the term “administrative law judge.”

Amend regulations to conform with 7 Code of Federal Regulations § 273.15(c)(4) regarding Supplemental Nutrition Assistance Program fair hearing adjournment.*

Part 359 – Disqualification for Intentional Program Violation

Revise regulation to clarify that certain disqualification consent agreements are reviewable at a fair hearing to ensure compliance with procedural requirements.*

Part 369 – Family Assistance

Amend regulation to address applications for or receipt of public assistance as an assignment to the State and the social services district of rights to support.

Part 385 – Public Assistance and Supplemental Nutrition Assistance Program (SNAP) Employment Program Requirements

Amend the title and the regulations of Part 385 to make technical updates, including updating references from “food stamp” to “SNAP.”

Clarify that support services may be provided to individuals assigned to work activities by the social services district.*

Revise assessment regulations to clarify that the requirements for exempt individuals in households without dependent children to comply with an assessment are consistent with those for exempt individuals in households with dependent children.*

Amend regulations to implement changes to the work activities that may be made available to individuals to include financial literacy.*

Establish additional guidelines regarding work activity definitions and work documentation and verification procedures to make them consistent with standards required by federal regulations.*

Implement changes to participation rate regulations to conform to amendments to the SSL which require districts to expand the countable work activities available to SNA participants without children to include community service programs, the provision of child care services to an individual participating in community service and time limited vocational education training, job search and job readiness assistance.*

Revise SNAP employment and training regulations to conform to federal regulations.*

Modify provisions that permit foster care parents and individuals who are caring for a disabled household member to be deemed as community service participants to only apply to public assistance households without dependent children. Federal regulations do not permit an individual who is caring for a disabled family member or a foster parent to be reported as participating in community service or any other work activity reported toward the federal work participation rate.

Part 387 – Supplemental Nutrition Assistance Program

Amend regulations to make technical updates to Part 387.

Revise regulations to raise the level of the minimum annual Home Energy Assistance Program (HEAP) or other energy assistance benefit required to confer eligibility for the SNAP Heating and Cooling Standard Utility Allowance (HCSUA) from \$1.00 to \$21.00.*

Update regulations to reflect the current policy that standard allowances for heating/air conditioning, utility and telephone costs are used in calculating shelter expenses for SNAP.*

Update regulations to reflect the current policy that households in shared living arrangements are entitled to the full applicable level of the standard utility allowance.*

Revise SNAP regulations concerning the special definition of the “head of the household.”**

Delete SNAP monthly reporting/retrospective budgeting references and add provisions for change reporting.*

Conform regulations concerning in-office interviews for SNAP applicants to federal requirements.*

Generally update SNAP regulations to conform to changes in federal regulations and law.*

Part 393 – Home Energy Assistance Program (HEAP)

Amend HEAP regulations to reflect current practices and the provisions of the federally accepted HEAP State Plan, including the confidentiality requirements contained therein.*

Amend regulations to articulate rules for protection of HEAP data and data sharing.

Part 800 – Homeless Housing and Assistance Program (HHAP)

Amend regulations regarding the conflict of interest rules for HHAP to address all ownership entities involved in HHAP projects. Revise and update certain definitions and terminology, clarify funding processes, and provide for the role of the Homeless Housing and Assistance Corporation Board as established in Private Housing Finance Law § 45-c.

Part 902 – Hotels and Motels Used as Emergency Placements for Persons and Families Experiencing Homelessness

Amend regulations to add a new Part 902: (1) setting forth the responsibilities of districts with respect to hotels and motels that are used to provide temporary emergency housing to persons and families experiencing homelessness; (2) update and clarify the standards applicable to these hotels/motels; (3) require that Temporary Housing Assistance (THA) recipients placed in hotels/motels are provided with supportive services that are currently available to THA recipients placed in shelters; and (4) clarify OTDA’s oversight and enforcement authorities with respect to hotel/motels used by districts to place THA recipients.*

It is not anticipated that small business regulation guides will need to be developed for the proposals set forth in this agenda.

* The asterisks identify rules for which a regulatory flexibility analysis or a rural area flexibility analysis may be required.

At this time, OTDA cannot specify the dates for publication in the New York State Register of the items listed above. OTDA would welcome comments related to this regulatory agenda at the address listed below, and each published Notice of Proposed Rule Making will provide a public comment period and a contact person to whom comments may be sent.

Any questions, comments, or requests for information concerning the items listed in this agenda may be referred to Richard P. Rhodes, Jr., Associate Attorney, New York State Office of Temporary and Disability Assistance, 40 North Pearl Street 16C, Albany, New York 12243. Telephone: (518) 486-7503. E-mail: richard.rhodesjr@otda.ny.gov. The regulatory agenda may be accessed on OTDA’s website at <http://otda.ny.gov/policy/regulatory-agenda/>

Workers’ Compensation Board

Pursuant to section 202-d of the State Administrative Procedures Act, notice is hereby provided of the following rules which the Workers’ Compensation Board (“the Board”) is considering proposing but for which a rule making proceeding has not been commenced. All references are to Title 12 of the New York Code of Rules and Regulations unless otherwise noted. The Board’s regulatory plans are subject to change, and the Board reserves the right to add, delete, or modify any item. The Board is not required to propose for adoption any rule summarized in this regulatory agenda. In addition, the Board may propose a rule for adoption that was not under consideration at the time that this regulatory agenda was submitted for publication.

This notice is also intended to provide small businesses, local governments, and public and private interests in rural areas with the opportunity to participate in the rule-making process, as provided for in sections 202-b and 202-bb of the State Administrative Procedures Act. All rules described below may require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis pursuant to sections 202-b and 202-bb of the State Administrative Procedures Act, respectively.

The public is welcome to send written comments on the Board’s Regulatory Agenda to the contact person at the end of this list.

The Board is considering proposing the rules amending Title 12 NYCRR described below:

- Add a new section 325-1.26 to add regulations providing a framework for permanent telehealth
- Updates as needed for materials incorporated by reference:
 - Amend section 442.2 to update the DME Fee Schedule
 - Amend section 329-1.3 to update the Medical Fee Schedule(s)
 - Amend section 441.2 to update the NY Workers’ Compensation Formulary
- Amend Part 302 to ensure the regulations accurately reflect the Third Party Administrator process and update requirements for a Qualifying Officer
- Proposal to implement the performance standard referenced in Workers’ Compensation Law section 13-a(6)(b)(i) (sections amended to be determined)
- Proposals in support of OnBoard (sections amended to be determined)

The Board will continue to review its rules in an effort to provide for clearer and more accurate references to Board policies and procedures while also eliminating typographical errors and obsolete forms and practices.

To obtain information about or submit written comments concerning any item in this Regulatory Agenda, contact: Courtney Vallee, Senior Attorney, Workers’ Compensation Board, 328 State St., Schenectady, NY 12305-2318, (518) 486-9564, e-mail: regulations@wcb.ny.gov

RULE REVIEW

Department of Environmental Conservation

3 Year Review

Division of Air Resources

6 NYCRR Subpart 202-2, “Emission Statements.” Statutory authority: Environmental Conservation Law Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105. Subpart 202-2 was revised to require the electronic submission of annual Emission Statements beginning in 2022 (for calendar year 2021 emissions reporting) for facilities subject to Title V of the Clean Air Act. No amendments are planned at this time.

6 NYCRR Part 205, “Architectural and Industrial Maintenance (AIM) Coatings.” Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, and 71-2105. Part 205 was revised to eliminate 15 coating categories and sub-categories; to add 12 new coating categories; to lower the VOC limits on 12 coating categories; to broaden the Department’s data collecting authority; to add transitional language; to update definitions and codes; and to eliminate the quart exemption for floor coatings. No further action is anticipated at this time.

6 NYCRR Part 218, “Emission Standards for Motor Vehicles and Motor Vehicle Engines.” Statutory authority: Environmental Conservation Law Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-19-0305, 19-1101, 19-1103, 19-1105, 71-2103, and 71-2105, and federal Clean Air Act Section 177. Part 218 updated New York’s standards for new aftermarket catalytic converters (AMCC) as part of New York’s existing low emission vehicle (LEV) program. The adopted amendments prohibit the sale and installation of federal certified AMCC in New York State absent a waiver from the Department. The adopted amendments also include provisions pertaining to AMCC installation requirements; AMCC installer recordkeeping requirements; recordkeeping requirements for AMCC manufacturers, distributors, wholesalers, and retailers; and clarification of AMCC manufacturer reporting requirements. Division of Air Resources is evaluating California’s Advanced Clean Fleet (ACF) regulation currently under development and may revise Part 218 in 2023 to incorporate ACF requirements.

Part 218 was revised in December 2021 to include medium-and heavy-duty vehicle zero emission sales requirements and a one-time fleet reporting requirements under California’s Advanced Clean Trucks (ACT) regulation. Revisions to Part 218 are being considered in 2022 to incorporate California’s Heavy-Duty Low NOx Omnibus, Phase II Greenhouse Gas, and Advanced Clean Cars II (ACC II) regulations.

6 NYCRR Part 219, “Incinerators.” Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0306, 19-0311, 71-2103, and 71-2105. Subpart 219-1 was revised with minor clarifying changes and finalized February 12, 2020. The compliance schedule provided for existing crematory facilities remains active through 2025. Subpart 219-10 was developed and adopted February

12, 2020. DAR proposes to revise Subpart 219-10 to incorporate new information regarding reasonably available control technology for oxides of nitrogen emitted from large municipal waste combustors. 6 NYCRR Part 222, “Distributed Generation Sources.” Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105. A new Part 222 was adopted to establish control, monitoring and record keeping requirements for certain distributed generation sources located in the New York Metropolitan ozone nonattainment area which are not currently regulated under 6 NYCRR Subpart 227-2, “Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NOx).” No further action is anticipated at this time.

6 NYCRR Subpart 225-2, “Fuel Composition and Use - Waste Oil as a Fuel.” Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105. The latest revisions updated permit references, rule citations, monitoring requirements, record keeping requirements, and incorporated federal standards. These revisions were finalized on March 18, 2020. No further action is anticipated at this time.

6 NYCRR Subpart 227-2, “Reasonably Available Control Technology (RACT) for Major Facilities of Oxides of Nitrogen (NOx).” Statutory authority: Environmental Conservation Law, Sections 1-0101, 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0311, 71-2103, and 71-2105. The rulemaking removed out-of-date references and corrected typos. This was done as a consensus rulemaking. No further action is anticipated at this time.

6 NYCRR Subpart 227-3, “Ozone Season Oxides of Nitrogen (NOx) Emission Limits for Simple Cycle and Regenerative Combustion Turbines.” Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105. A new Subpart 227-3 was adopted to lower allowable NOx emissions from simple cycle and regenerative combustion turbines during the ozone season. No further action is anticipated at this time.

6 NYCRR Part 242, “CO2 Budget Trading Program.” Statutory Authority: Environmental Conservation Law Sections 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103, and 71-2105. Part 242 was revised to lower the CO2 budgets to cap regional CO2 emissions to achieve a nearly 30 percent additional reduction in the regional cap for the period 2020-2030. Further, to account for the existing private bank of CO2 emissions allowances already acquired, and to help create a binding cap, the Program revisions provided for a budget adjustment for banked allowances. No further action is anticipated at this time.

6 NYCRR Part 248, “Use of Ultra Low Sulfur Diesel Fuel and Best Available Retrofit Technology for Heavy Duty Vehicles.” Statutory authority: Environmental Conservation Law Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, 19-0303, 19-0305, 19-0323, 71-2103, and 71-2105. Revisions were made to Part 248 to update and clarify compliance dates for Best Available Retrofit Technology and useful life waivers following annual extensions granted by the New York

State Legislature from 2010 through 2018. The revisions also updated the definition of “heavy-duty vehicle” to incorporate changes made to the New York State Vehicle and Traffic Law that add additional exemptions; clarified the annual reporting requirement period under 248-6.1(a); and made other minor revisions. No further action is anticipated at this time.

Contact: Zoë Hutchins, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3258. Telephone: 518-402-8401. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

Office of Climate Change

6 NYCRR Part 494, “Hydrofluorocarbon Standards and Reporting.” Statutory Authority: Environmental Conservation Law (ECL), Section 1-0101, 1-0303, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0303, 19-0305, 71-2103, 71-2105, 75-0101, 75-0107, 75-0109. Part 494 establishes prohibitions on HFC substances in specified end-uses. The Department will amend Part 494 following recommended strategies from the Climate Action Council Scoping Plan for reducing HFC emissions, including in the building and waste sectors. This rulemaking will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Suzanne Hagell, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1030. Telephone: 518-402-8448. E-mail: suzanne.hagell@dec.ny.gov. Please include the Part number when emailing.

6 NYCRR Part 496, “Statewide Greenhouse Gas Emission Limits.” Statutory Authority: Environmental Conservation Law (ECL), Section 75-0107. Part 496 establishes certain emission limits for 2030 and 2050 as required by the Climate Leadership and Community Protection Act. The Department is not amending Part 496 at this time. Contact: Suzanne Hagell, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8448. E-mail: climatechange@dec.ny.gov. Please include the Part number when emailing.

Division of Fish and Wildlife

6 NYCRR Part 1.31, Pertaining to Hunting Black Bear. Statutory authority: Environmental Conservation Law, sections 11-0303, 11-0903, and 11-0907. This amendment added Wildlife Management Unit (WMU) 4W to the group of units in Southeastern New York with an Early Bear Hunting Season. This change was necessary to reduce population growth and conform harvest management with population objectives for the region. Harvest patterns in WMU 4W, now with the contribution of the early bear season, indicate that the season should be continued. No amendments are planned at this time.

6 NYCRR Part 2.30, Pertaining to Migratory Game Birds. Statutory authority: Environmental Conservation Law, sections 11-0303, 11-0903, and 11-0933. Part 2.30 was updated to bring New York State migratory bird hunting regulations and zone descriptions into congruence with the Code of Federal Regulations and to provide a new hunting opportunity for active military and veteran hunters. No amendments are planned at this time.

6 NYCRR Part 6, Pertaining to trapping mink, muskrat, and beaver. Statutory authority: Environmental Conservation Law, sections 11-0301, 11-0303, 11-1101, and 11-1103. These changes were made to align season start dates for these species in the northern and southern zones and adjust season dates to improve trapping opportunity and trapper satisfaction while still providing for sustainable use of these resources. No amendments are planned at this time.

6 NYCRR Part 6, Pertaining to Chronic Wasting Disease. Statutory authority: Environmental Conservation Law, sections 3-0301, 11-0325, and 11-1905. This rulemaking fixed clerical errors inadvertently included in a 2019 rule change. The modifications were necessary and appropriate to maintain effective protections against the inadvertent introduction of infectious material into New York. No amendments are planned at this time.

6 NYCRR Part 10, Sportfishing (freshwater) and associated activities. Statutory authority: Environmental Conservation Law, Section 11-0317. Part 10 was amended to improve high quality sportfishing and associated economic benefits through changes in season dates, harvest limits, and minimum size limits. The changes are being

evaluated through angler creel surveys on Lake Ontario and its tributaries. Field data collection will continue through May 2023. Regulation changes will be evaluated during 2023-2024. In addition, the rainbow trout limit in the Lower Niagara River was reduced to 2 in 2022 to correct a rule admission from the 2020 regulations.

6 NYCRR 180.1 Pertaining to Animals dangerous to health or welfare. Statutory authority: Environmental Conservation Law, section 11-0511. These changes were adopted to expand the list of animals which pose a risk to health or welfare of the people of the state or indigenous fish and wildlife. No amendments are planned at this time.

Contact: Christina Curran, Regulatory Coordinator for the Division of Fish and Wildlife, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4750. Telephone: (518) 402-8924. E-mail: christina.curran@dec.ny.gov

Division of Land and Forest

6 NYCRR Section 190.38, Brookfield Trail System. Statutory Authority: Environmental Conservation Law, sections 1-0101(3)(b), 3-0301(1)(b), 3-0301(2)(m), 9-0105(1) and 9-0105(3). This regulation protects public safety and natural resources within the Brookfield Trail System. No amendments to this regulation are planned for the coming year since implementation has been satisfactory. Contact: Robert Messenger, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4255, Telephone: (518) 402-9428, E-mail: robert.messenger@dec.ny.gov.

Division of Marine Resources

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, Sections 11-0303, 13-0105, 13-0339, and 13-0340-e. Part 40 was amended to increase the incidental catch limit of scup. This rule was necessary to allow commercial fishers to retain and sell scup that were inadvertently caught and killed in the small mesh squid fishery, to provide economic benefit to New York State commercial fishers, to prevent the waste of scup caught as bycatch, and to allow New York regulations to remain consistent with federal regulations. Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, Sections 11-0303, 13-0105, 13-0339, 13-0340, 13-0340-b, 13-0340-e, and 13-0304-f. Part 40 was amended to allow qualifying commercial license holders to simultaneously carry possession limits for, and land, certain quota-based species in, cooperating states during the same fishing trip. This rule was necessary to improve opportunities and efficiencies for eligible fishermen while decreasing discards and fuel use. Amendments to Part 40 will be proposed as needed.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, Sections 13-0105, 13-0338, and 13-0339-a. Part 40 was amended to revise and establish regulations governing sharks, squid and Atlantic cod. This rule was necessary to comply with the provisions of the Atlantic States Marine Fisheries Commission (ASMFC), the Mid-Atlantic Fishery Management Council (MAFMC), and NOAA Fisheries to prevent the federal closures for New York State’s fisheries for shark, squid, and Atlantic cod. Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, Sections 11-0303, 11-1521, 13-0105, 13-0339, and 13-0347. Part 40 was amended to revise regulations governing the legal size limit of recreational and commercial striped bass. This rule was necessary to remain in compliance with the Atlantic States Marine Fisheries Commission (ASMFC) Fishery Management Plan (FMP) for striped bass. Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, Sections 13-0105 and 13-0340. Part 40 was amended to change recreational possession limits for bluefish. This rule was necessary to remain in compliance with federal requirements and to maintain consistency in regulations with neighboring states.

Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

Contact: Caitlin Craig, Regulatory Coordinator for the Division of Marine Resources, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0457. E-mail: caitlin.craig@dec.ny.gov.

Division of Materials Management

Parts 370, 371, 372, 373, 374, and 376 Hazardous Waste Management Regulations (FedReg5). Statutory authority: Environmental Conservation Law Article 3, Title 3; Article 27, Titles 7 and 9; Article 70; Article 71, Titles 27 and 35. This rulemaking amended New York's hazardous waste management regulations to comply with changes made to USEPA's RCRA Subtitle C program between September 1999 and April 2015. No amendments are planned at this time.

Part 351, Plastic Bag Reductions, Reuse, and Recycling. Statutory authority: Environmental Conservation Law Sections 1-0101, 3-0301, article 27, titles 27 and 28. This rulemaking added a new Part 351 Plastic Bag Reduction, Reuse and Recycling to implement the requirements of Titles 27 and 28 of the Article 27 of the Environmental Conservation Law with respect to the prohibition on plastic carryout bags; the allowable reusable bags; and the recycling of plastic carryout bags and film plastic by stores. The regulations also address the related requirements for manufacturers. No amendments are planned at this time.

Contact: Rebecca Vaughan, Regulatory Coordinator for the Division of Material Management, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7250. Telephone: 518-402-8678. E-mail: rebecca.vaughan@dec.ny.gov

Division of Water

Revised provisions of 6 NYCRR 701.13 and 701.14 of Title 6 of the New York Codes of Rules and Regulations.

Statutory Authority: ECL: § 3-0301(2)(a)

Adopted Amendments to 6 NYCRR 701.13 and 701.14 to clarify the best usages of Class I and Class SD marine surface waters were, and remain to be, "secondary contact recreation and fishing" and "fishing," respectively. The notice of adoption was published in issue 24 of the State Register, dated June 17, 2020. No further action is anticipated at this time.

Contact: Michelle Tompkins, Regulatory Coordinator for the Division of Water,

New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500. Telephone: 518-402-8221. E-mail: michelle.tompkins@dec.ny.gov

5 Year Review

Division of Air Resources

6 NYCRR Part 232, "Dry Cleaning Facilities." Statutory Authority: Environmental Conservation Law Sections 3-0301, 3-0303, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 71-2103, 71-2105. Part 232 was repealed and replaced and finalized on February 8, 2018, with an effective date of March 10, 2018. Repeal and replacement were necessary for consistency with federal requirements and to improve compliance and program delivery, reduce perc and alternative solvent emissions to the environment, address advancements in technology and changes in the industry regarding the use of alternative dry cleaning solvents, and prohibit the use of perc in dry cleaning machines at co-located residential facilities after December 21, 2020. No further action is anticipated at this time.

6 NYCRR Part 243, "Transport Rule NOx Ozone Season Trading Program," 6 NYCRR Part 244, "Transport Rule NOx Annual Trading Program," and 6 NYCRR Part 245, "Transport Rule SO2 Trading Program." Statutory Authority: Environmental Conservation Law Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0107, 19-0301, 19-0302, 19-0303, 19-0305, 19-0311, 71-2103 and 71-2105. These rules were adopted to allow the Department to allocate Transport Rule allowances to regulated entities in New York. The Department repealed and replaced existing Parts 243, 244 and 245 to address the to conform to the Environmental Protection Agency's Cross-State Air Pollution Rule (CSAPR) and the CSAPR Update. No further action is anticipated at this time.

Contact: Zoë Hutchins, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3258. Telephone: 518-402-8401. E-mail: air.regs@dec.ny.gov. Please include the Part number when emailing.

Office of Climate Change

6 NYCRR Part 492, Climate Smart Community Projects. Statutory Authority: Environmental Conservation Law (ECL) Article 54, Title 15. Part 492 establishes procedures to implement municipal projects funded under this statute. The Department will propose changes to Part 492, including those necessary to comply with statutory amendments to Environmental Conservation Law (ECL) Article 54, Title 15 including per the Climate Leadership and Community Protection Act. This rule making will require a Regulatory Flexibility Analysis for Small Businesses and Local Governments and a Rural Area Flexibility Analysis. Contact: Suzanne Hagell, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3251. Telephone: 518-402-8448. E-mail: climatechange@dec.ny.gov. Please include the Part number when emailing.

Division of Environmental Permits

6 NYCRR Part 617, State Environmental Quality Review Act. Statutory authority: Environmental Conservation Law Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113. In June of 2018 the Department adopted amendments to the SEQR regulations with the intent to streamline and improve the SEQR process. The Department expects to amend Part 617 to add a new Type II category for approvals granted by the Office of Renewable Energy Siting, which would implement that statutory exclusion for ORES's approvals in ECL Article 8. In addition, the Department expects to also make minor changes to the text of Part 617 and 617.20, appendices A and B (Full and Short Environmental Assessment Forms). See the Division of Environmental Permits section of the 2023 regulatory agenda for additional details on the anticipated amendments. Contact: James Eldred, Environmental Analyst, New York State Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-1750. Telephone: 518-402-9158. E-mail: deppermitting@dec.ny.gov.

Division of Fish and Wildlife

6 NYCRR, Part 3, Sections 3.1 and 3.2, Pertaining to harvest of diamondback terrapin. Statutory authority: Environmental Conservation Law, sections 11-0303, 11-0311, 11-0903 and 11-0905. This amendment repealed Section 3.1 and amended Section 3.2 to close the open season for diamondback terrapin. Declines in terrapin populations across its range have caused concerns for the loss of adult terrapins including losses to legal harvest. As terrapin populations are still at risk for overexploitation, a closed season is still warranted, and no amendments are planned at this time.

Contact: Christina Curran, Regulatory Coordinator for the Division of Fish and Wildlife, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4750. Telephone: (518) 402-8924. E-mail: christina.curran@dec.ny.gov

Division of Land and Forest

6 NYCRR Section 190.35, Peekamoose Valley Riparian Corridor. Statutory authority: ECL sections 1-0101(3)(b), 3-0301(1)(b), 3-0301(1)(d), 3-0301(2)(m), 9-0105(1) and 9-0105(3). This regulation was amended in 2018 to establish a permit system for week-ends and holidays to protect public safety and natural resources on this corridor. It will be amended again in the coming year to further expand the permit system and apply other restrictions to the Corridor to address continued public safety and natural resource degradation issues. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Section 190.36, Northern Catskill Riparian Areas. Statutory authority: Environmental Conservation Law, sections, 1-0101(3)(b), 3-0301(1)(b), 3-0301(1)(d), 3-0301(2)(m), 9-0105(1) and 9-0105(3). This regulation was adopted in 2018 to protect public safety and natural resources on the Northern Catskill Riparian Areas. A correction was made to the description in 2018. No amendments to this regulation are planned for the coming year since implementation has been satisfactory. Contact: Peter Frank, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY

12233-4254, Telephone: (518) 473-9518, E-mail: peter.frank@dec.ny.gov

6 NYCRR Section 192.7, Control of the Emerald Ash Borer. Statutory authority: Environmental Conservation sections 1-0101(3)(b), 1-0101(3)(d), 3-0301(1)(b), 3-0301(1)(d), 3-0301(2)(m), 9-0105(1), 9-0105(3) and 9-1303. This regulation was repealed in 2018. The regulation no longer served its purpose of slowing the spread of Emerald Ash Borer, therefore no additional rulemaking is necessary. Contact: Justin Perry, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4254, Telephone: (518) 402-9436, E-mail: justin.perry@dec.ny.gov

Division of Marine Resources

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, Sections 11-0303, 13-0105, and 13-0340-d. Part 40 was amended to modify current regulations for recreational and commercial tautog fishing. This rule was necessary to reduce the harvest of tautog and remain in compliance with the Atlantic States Marine Fisheries Commission's (ASMFC's) Amendment to the Tautog Fishery Management Plan. Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, Sections 11-0303, 13-0105, 13-0340-b, and 13-0340-c. Part 40 was amended to change the scup size limit, and to increase the possession limit and extend the season for summer flounder. This rule was necessary to relax regulations governing the recreational harvest of scup and summer flounder by the start of the 2018 recreational fishing season and remain in compliance with the Atlantic States Marine Fisheries Commission (ASMFC). Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 40, Marine Fish. Statutory authority: Environmental Conservation Law, Sections 11-0303, 13-0105, and 13-0340-f. Part 40 was amended to modify current regulations for recreational black sea bass. This rule was necessary to relax regulations governing recreational black sea bass harvest, while remaining in compliance with the Atlantic States Marine Fisheries Commission (ASMFC). Amendments to Part 40 will be proposed as necessary for New York to remain in compliance with federal rules and interstate fishery management plans.

6 NYCRR Part 41, Sanitary Condition of Shellfish Lands. Statutory authority: Environmental Conservation Law, Sections 13-0307 and 13-0319. Part 41 was amended to reclassify underwater shellfish lands in Hempstead (East) Bay; Long Island Sound; Noyack Creek; Cold Spring Pond; Napeague Bay; Northwest Harbor and Creek; Cutchogue Harbor; Great Peconic Bay; Southold Bay; Orient Harbor; Little Peconic Bay. This rule was necessary to protect public health. Bacteriological water quality testing is an ongoing task; shellfish growing areas will be classified as necessary based on the results of the water quality studies. Amendments to Part 41 will be proposed as needed.

6 NYCRR Part 43, Surfclam/Ocean Quahog Fishery Management. Statutory authority: Environmental Conservation Law, Section 13-0309(12). Part 43 was amended to change the permitting process for surf clams. This rule was necessary to increase the Department's administrative efficiency for permit issuance and streamline the permit application process for surfclam harvesters. Amendments to Part 43 will be proposed as needed.

6 NYCRR Part 44, Lobsters and Crab and Part 50, Miscellaneous Marine Species. Statutory authority: Environmental Conservation Law, Sections 13-0330(6) and 13-0331(7). Part 44 and Part 50 were amended to establish regulations that reduce Diamondback terrapin bycatch mortality, revise the horseshoe crab possession limit, and require commercial fishermen to report whelk landings. This rule was necessary to prevent the death of terrapins who enter crab traps, promote opportunities for horseshoe crab harvesters, and to gather information to inform management of New York's whelk fishery. Amendments to Part 44 and Part 50 will be proposed as needed.

6 NYCRR Part 44, Lobsters and Crab. Statutory authority: Environmental Conservation Law, Sections 11-0303, 13-0105, and 13-0329. Part 44 was amended to repeal the most restrictive rule as it applies to

closed season for lobster harvest. This rule was necessary to reduce the economic burden on New York State licensed lobster harvesters and to ensure the equitable treatment of New York State lobster permit holders. Amendments to Part 44 will be proposed as needed.

6 NYCRR Part 49, Shellfish Management. Statutory authority: Environmental Conservation Law, Section 13-0327. Part 49 was amended to clarify language regarding the size limit of bay scallops. This rule was necessary to add clearer language that would remove any confusion for bay scallop harvesters and to make law enforcement more effective. Amendments to Part 49 will be proposed as needed.

Contact: Caitlin Craig, Regulatory Coordinator for the Division of Marine Resources, New York State Department of Environmental Conservation, 123 Kings Park Blvd., Kings Park, NY 11754. Telephone: 631-444-0457. E-mail: caitlin.craig@dec.ny.gov.

Division of Materials Management

Part 380 Prevention and Control of Environmental Pollution by Radioactive Materials. Statutory authority: Environmental Conservation Law (ECL) Articles 1, 3, 17, 19, 27, 29 and 37, ECL 3-0301(1)(i), and ECL 3-0301(2)(a), (m). This section regulates the disposal and release of radioactive material to the environment. These amendments to Part 380 updated several provisions that were required for compatibility with federal regulations, simplified and updated language, and added several needed provisions that had been absent from the regulations. No action is planned at this time.

Contact: Rebecca Vaughan, Regulatory Coordinator for the Division of Material Management, New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7250. Telephone: 518-402-8678. E-mail: rebecca.vaughan@dec.ny.gov

Department of Motor Vehicles

Five Year Review of Rules Adopted by the Department of Motor Vehicles in Calendar Years 2003, 2008, 2013 and 2018 Required to be Reviewed in Calendar Year 2023.

As required by section 207 of the State Administrative Procedure Act, the following is a list of rules that were adopted by the Department of Motor Vehicles in calendar years 2003, 2008, 2013 and 2018 which must be reviewed in calendar year 2023. Public comment on the continuation or modification of these rules is invited and will be accepted for 45 days from the date of publication in the State Register. Comments may be directed to: The Department of Motor Vehicles, Counsel's Office, 6 ESP, Room 522A, Albany, NY 12228.

2003

MTV-53-02-00003 – Part 56 - Strobe lights on school buses.

Analysis of the need for the rule: This regulation was promulgated to enhance safety on school buses. Strobe lights make buses more visible during inclement weather and at other times when visibility is reduced. The use of such lights is discretionary when visibility is reduced. The need for this highway safety measure remains.

Legal basis for rule: Vehicle and Traffic Law sections 215(a) and 220.

MTV-53-02-00004 – Part 3 - Metal Coil endorsement.

Analysis of the need for the rule: This rulemaking was and is necessary to establish the parameters of the metal coil endorsement, as provided for in Chapter 260 of the Laws of 2001. Endorsement "M" is issued for Commercial Drivers License holders who transport metal coils weighing 5,000 pounds or more. The statute has not been amended and continues to require that the identification and scope of the endorsement be prescribed by regulation of the commissioner. Therefore, the need for this regulation remains.

Legal basis for rule: Vehicle and Traffic Law sections 215(a) and 501(2)(b)(ix).

MTV-01-03-00012 – Part 78- Dealer and Transporter plates.

Analysis of the need for the rule: This rulemaking was and is necessary to regulate dealer plates. The rule explicitly permits retail dealers to use transporter plates and allows the Commissioner to demand the return of a dealer plate from a dealer who fails to sell five cars during a 12-month period to surrender its dealer plates. This regulation remains as an essential plate accountability measure.

Legal basis for rule: Vehicle and Traffic Law sections 215(a), 415(4), (8) and (15).

MTV-22-03-00014 - Part 79 - Emission inspections.

Analysis of the need for the rule: The rulemaking required downstate inspection stations to test 1996 and newer vehicles with the OBD II testing equipment and made other technical amendments to Part 79. This rule was subsequently amended to require the entire state to use the NYVIP CVIS system, capable of performing OBD II and low enhanced emission inspections. Emissions inspections are required by statute and the statute requires that the commissioner establish such regulations. Therefore, the need for these regulations remains.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a), 301(d)(1), 301(f), 302(a) and 302(e).

MTV-43-03-00002 - Part 79 - Emissions Inspection Sticker Fees

Analysis of the need for the rule: This rule increased the fee for emissions inspection stickers and for the cost of the high and low enhanced emissions test in order to adequately fund the State's clean air program. The State is mandated by federal law to closely monitor compliance with the emissions inspection program and this increase was and remains necessary to preserve adequate funding for such oversight.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a), 301, 304 and 305.

2008

MTV-26-07-00006 – Part 141 - Motor Vehicle Accident Prevention Course

Analysis of the need for the rule: This rulemaking established criteria for the Motor Vehicle Accident Prevention Course by Internet or Other Technologies. The purpose of the rule was to put the public and potential course providers on notice about the guidelines governing the on-line Accident Prevention Course. The rules were and are designed to enhance customer convenience, promote highway safety and protect against fraudulent use of the system. In subsequent years, minor modifications were made to Part 141, but the essence of the rulemaking remains intact and necessary because the course continues to be operational.

Legal basis for rule: Vehicle and Traffic Law sections 215(a), 399-1 and 399-n. Insurance Law section 2336.

MTV-47-07-00002 – Part 79 - Motor Vehicle Inspections.

Analysis of the need for the rule: This rulemaking established the NYTEST shared network by establishing the criteria for sending and receiving inspection stations that volunteer to participate in the shared network; made technical amendments for equipment requirements for all inspection stations; set forth waiver of criteria in heavy vehicle fleet inspections stations; broadened the authority of municipalities to inspect vehicles owned by other municipalities and established the criteria for the issuance of temporary inspector certificates. The regulation pertaining to the NYTEST shared network was repealed in 2010 when the costly dynamometer system was replaced by the NYVIP II system. As to the remaining regulations, each relate to procedures involving both safety and emissions inspections, and as such, the need for the criteria and clarifications contained in the rule remain.

Legal basis for rule: Vehicle and Traffic Law sections 215(a), 301(a), (c), (d), (f), 302(a)(e), (f), 304(b) and 304-a.

MTV-25-08-00012/MTV-38-08-00002 - Part 3-Fingerprinting of employees.

This regulation was adopted to comply with Department of Homeland Security guidelines, issued pursuant to the Western Hemisphere Travel Initiative, which permits only employees who are United States citizens and who have been subject to a criminal history check to issue an Enhanced Driver's License. The EDL is a secure document that assists US citizens crossing the border from Canada into the United States. Since DHS's policy has not changed, this regulation remains necessary.

Legal basis for the rule: Vehicle and Traffic Law Sections 215(a), 508(1) and 508(4).

MTV- 40-08-00005 - Part 3 - Enhanced Driver's Licenses-Off cycle renewal

The regulation was adopted to permit licensees the option of "off cycle" driver license renewals when they apply for an Enhanced Driver's License. This effectively resets the current eight-year license renewal term so that licensees would receive an EDL for the full eight years for the \$30.00 fee as well as receive a proration of the license renewal fee based upon the number of years remaining in their current cycle. This regulation remains necessary.

Legal basis for the rule: Vehicle and Traffic Law Sections 215(a) and 502(6).

2013

MTV-41-12-00012 - Part 134 - Impaired Driving Program.

Analysis of the need for the rule: This regulation provides that persons with two or more alcohol-related convictions on their records must serve the full period of suspension or revocation upon completion of the Impaired Driving Program. Previously, completion of the Program would serve to terminate the period of suspension or revocation. This rule was part of a comprehensive regulatory package enacted in 2012-13 to address the issue of recidivist drunk driving. The rule remains necessary as part of the DMV's highway safety mission.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a), 1196(5) and (7)(a).

MTV-41-12-00013 – Part 136 - Relicensing After Permanent Revocation.

Analysis of the need for the rule: The regulation was and is necessary to address the problem of recidivist drunk drivers. The rule denies re-licensure, with some exceptions, to persons with multiple alcohol-related convictions. This rule was part of a comprehensive regulatory package enacted in 2012-13 to address the issue of recidivist drunk driving. The rule remains necessary as part of the DMV's highway safety mission.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a), 501(2)(c), 510(6)(a), 1193(2)(b)(12), 1193(2)(c) and 1194(2)(d)(1).

MTV-41-12-00016 - Part 3 - A2 Restriction.

Analysis of the need for the rule: This regulation authorizes the Commissioner of Motor Vehicles to issue an A2 problem driver restriction for persons with multiple DWI offenses and whose licenses are restored. The A2 restriction allows the licensee to drive only under limited circumstances and may require the installation of an ignition interlock device in all motor vehicles owned or operated by the licensee. This rule was part of a comprehensive regulatory package enacted in 2012-13 to address the issue of recidivist drunk driving. The rule remains necessary and critical to the DMV's efforts to address recidivist drunk driving.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a) and 501(2)(c).

MTV-44-12-00002 – Part 132 - Dangerous Repeat DWI Offenders.

Analysis of the need for the rule: This rule provides that persons convicted of a traffic violation resulting in five or more points are subject to a lifetime record review. If such review indicates recidivist drunk driving, the person's license will be revoked after they are given an opportunity to demonstrate compelling, unusual, and extenuating circumstances which justify continued licensure. This rule was part of a comprehensive regulatory package enacted in 2012-13 to address the issue of recidivist drunk driving. The rule remains necessary and critical to the DMV's efforts to address recidivist drunk driving.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a) and 510(3)(a) and (d).

MTV-01-13-00015 – Part 5 -Vision Testing.

Analysis of the need for the rule: This rule added pharmacists, pharmacy staff supervised by a pharmacist, nurse practitioners, as well as organizations deputized by the Commissioner, to conduct vision tests and to transmit the results electronically to the DMV. Prior to this rulemaking, DMV customers renewing a driver's license were required to go to a DMV office to have a vision test, unless their doctor completed an Eye Test Report Form. This rule expanded the providers who can conduct vision tests and greatly enhanced customer convenience by having such providers electronically transmit the

results to the DMV. Thus, customers renewing their licenses may renew on-line, reducing the number of customers in the offices. This rule, which enhances customer service, remains necessary.

Legal basis for the rule: Vehicle and Traffic Law section 215(a), 502(4) and (6) and 508(4)

MTV-15-13-00001/00002 – Parts 79 and 78 - Motor Vehicle Inspection/Dealers -Provisional License.

Analysis of the need for the rule: These companion rules provide that a business which purchases a dealership may obtain provisional dealer and inspection station licenses, so that the new business may begin operating immediately. Such businesses are subject to the rules and regulations of the Commissioner, thereby protecting consumers who purchase vehicles from such dealers. This rule, which provides a seamless transfer of business from one dealer to another, remains necessary.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a), 302(a), (e), 303(a)(1) and (2), 415(3) and (5)

MTV-25-13-00003 – Part 131 - Points for Texting and Cell Phone Use.

Analysis of the need for the rule: This rule raised the points assigned for texting and cell phone use violations from three to five points. The purpose of this rule was to address the increasing role of distracted driving in highway deaths and injuries. Since cell phone and texting use remain significant contributors to highway crashes, this rule remains critical to the DMV's highway safety mission.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a) and 510(3)(i)

MTV-25-13-00005/MTV-25-13-00004 – Part 20 and Part 78 - Proof of Satisfaction of Lien by Dealers.

Analysis of the need for the rule: The regulation was enacted pursuant to Chapter 493 of the Laws of 2012, which aimed to assist dealers in obtaining a clear title for a vehicle purchaser upon resale of a vehicle. The regulations provide a process for dealers to demonstrate to the Commissioner that a lien has been satisfied so that a clean title may be issued to expedite sale of the vehicle. Occasionally, it takes weeks for a lender to issue a notice of satisfaction of a lien so that a clean title may be issued. This rule provides notice to dealers and lienholders about the process necessary to obtain clean title. The processes embodied in the rule remain necessary.

Legal basis for the rule: Vehicle and Traffic Law sections 215(a) and 2121(a) and (b).

MTV-32-13-00002 – Part 3 - A3 Restriction-Medical Certification.

Analysis of the need for the rule: The purpose of this rule was to expand the scope of the A3 restriction, which provides for exemptions from the federally mandated medical certification requirements for holders of a commercial driver's license. The exemptions are set forth in federal regulation, Title 49. Adoption of this rule simply makes the A3 restriction consistent with the exemptions set forth in Title 49. Since these CDL holders are still exempt from the medical certification requirements, the rule remains necessary.

2018

There were no rules filed in 2018 that require an analysis.

Public Service Commission

Pursuant to 207 of the State Administrative Procedure Act: Review of Existing Rules, notice is hereby provided that the Public Service Commission wishes to continue the following rules adopted in 1998, 2003, 2008, 2013, and 2018 without modification or as revised. Comments are welcome on proposed continuation of the rules. Five copies of comments should be sent to: Michelle Phillips, Secretary, 3 Empire State Plaza, Albany, New York 12223-1350, on or before March 6, 2023. Information about the rules may be obtained from: John C. Graham, Assistant Counsel, 3 Empire State Plaza, Albany, New York 12223-1350; (518) 474-7687.

1. 16 NYCRR Part 11 (Case No. 96-M-0706).

a. Description of rules: Procedure and Requirements Concerning Consumer Protections - Proposed Amendments to Streamline and

Clarify the Current Language Contained in Part 11 - Home Energy Fair Practices Act - Rules (filed in Case 28080) requiring proof of identity with application for service.

b. Statutory Authority: PSL §§ 4(1), 30 through 50, 66(1), and 80(1).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules: to allow utilities to require proof of identity of all applicants for service. Prior to amendment, the rules require utilities to provide service upon an oral application (defined as the customer's name, address, telephone number, prior account, and address, if any). The written application allows a company to require proof of identity and of responsibility for the premises at which service is requested. Requiring proof of identity allows utilities to greatly reduce uncollected bills by deterring customers from receiving service under a false name to avoid unpaid bills and to more easily find customers who do not pay their final bills.

2. 16 NYCRR Parts 10 and 262 (Case No. 97-G-0230).

a. Description of rules: adoption of revisions to 16 NYCRR Part 262 – Gas Utilities, Drug and Alcohol Testing. The intent of the rulemaking was to bring the State's pipeline safety regulations into conformance with the most current counterpart federal regulations. The most significant change was the addition of regulations pertaining to alcohol testing.

b. Statutory Authority: PSL §§ 4(1) and 94(2).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules: To conform DPS regulations with the federal counterpart, 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs (December 1, 1989) which requires operators of pipeline facilities subject to Part 192, 193 or 195 of Title 49 of the Code of Federal Regulations (49 CFR) to test employees for the presence of prohibited drugs and provide an employee assistance program.

3. 16 NYCRR Parts 21, 603, 642, 644 (Case No. 97-C-0956).

a. Description of rules: Amendments to 16 NYCRR Chapter I - Rules of Procedure, Sections 21.2 and 21.3, and Chapter VI - Telephone and Telegraph Corporations, Amendments to Parts 603, 642 and 644, making rules inapplicable to certain types of telephone corporations.

b. Statutory Authority: PSL §§ 4(1), and 94(2).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules: To reinstate the temporary waiver of 16 NYCRR sections 21.2 (details of a petition), 21.3 (evidence to be presented at a hearing) and Part 642 (retention of records) for facilities based carriers that do not provide local service and for non-incumbent facilities based local exchange companies, 16 NYCRR Part 603 (service standards) and section 644.3 (capital program filing) for facilities based carriers that do not provide local service.

4. 16 NYCRR Parts 1002 and 1003 (Case No. 97-F-0809).

a. Description of rules: Addition of a New Chapter X, Subchapter A, to Implement Article X of the Public Service Law.

b. Statutory Authority: PSL §§ 161, 164(1)(g), (6)(b), 165(5), State Administrative Procedure Act 306(2)(4).

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules: Part 1002 reflects delegation of authority from the EPA to the Siting Board with respect to the handling of permits affecting major electric generating facilities, allows the Board to accept delegation from EPA of similar Federal authority regarding the handling of permits and confirms the fact that Article X of the Public Service Law replaced Article VIII. Part 1003 establishes procedures and requirements for compliance with terms, conditions or modifications of construction and operation of the facility, describes general procedures and requirements for compliance filings and reports.

5. 16 NYCRR Part 255 (Case No. 17-G-0368).

a. Description of rules: Amendments to 16 NYCRR - Chapter III, Gas Utilities, Subchapter C, Safety, ensures conformance with pipeline safety regulations contained in Title 49, Code of Federal Regulations.

b. Statutory Authority: PSL § 66

c. No hearings or public meetings are scheduled.

d. The rules are in effect and will continue.

e. Need and legal basis for the rules: New York State acts as a state agent of the federal Pipeline and Hazardous Materials Safety Administration (PHMSA); therefore, the Commission's gas pipeline safety rules in 16 NYCRR must be at least as stringent as the Federal rules in 49 Code of Federal Rules (CFR). The rule changes adopted herein bring New York State pipeline safety rules into conformance with their corollary Federal rules. Specifically, the new rules (1) require gas companies to offer more customers Excess Flow Valves, which are safety devices that reduce or stop the flow of gas, or to install manual shut-off valves; (2) require companies to notify the Department of Public Service of company intent to convert from a non-jurisdictional fuel to gas or petroleum service 60 days before the conversion occurs; and (3) require that gas pipe welders be required to complete a weld to obtain welding certification. The rules also clarify (4) who in a gas company Control Room must be trained in abnormal or emergency conditions. The revised rules add (5) the requirement that pressure-regulating devices be inspected every three years and (6) set operating standards for such devices. Finally, the rules make one (7) technical change creating an exemption for certain gas piping systems from the requirement to have a Distribution Integrity Management Plan.

Department of Taxation and Finance

Pursuant to section 207 of the State Administrative Procedure Act (SAPA) the Department of Taxation and Finance intends to review the following rules during 2023. Part W of Chapter 56 of the Laws of 2010 transferred various responsibilities relating to real property tax administration from the State Board of Real Property Services and the Office of Real Property Services to the Commissioner of Taxation and Finance. As a result, in 2012 the rules for real property tax administration were renumbered and moved by consensus rule from Chapter I of Subtitle F of Title 9 NYCRR to Title 20 NYCRR, which contains the rules of the Commissioner of Taxation and Finance, as a new Chapter XVI, Real Property Tax Administration. Rules under review herein that were adopted prior to the transfer reference Title 9 NYCRR.

The department invites written comments on the continuation or modification of these rules to assist it in the required review. We will consider comments that are received by March 6, 2023. Any questions concerning the items listed in this rule review or comments regarding the continuation of the rules being reviewed should be referred to: Office of Counsel, Department of Taxation and Finance, W.A. Harriman Campus, Building 9, Room 200, Albany, New York 12227. Telephone: (518) 530-4153, Email address: tax.regulations@tax.ny.gov.

RULES ADOPTED IN 2020

1. TAF-02-20-00001-A Property Tax Levy Limits for School Districts in Relation to Certain Costs Resulting from Capital Local Expenditures.

This rule added new Part 8300 to Title 20 NYCRR, relating to school districts' property tax levies.

Analysis of the need for the rule: The rule was necessary, consistent with Education Law section 2023-a, to allow school districts to increase their property tax levy above the levy limit for certain costs resulting from capital local expenditures that reflect a school district's share of additional budgeted capital expenditures made by a board of cooperative educational services (BOCES).

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Education Law, section 2023-a(2)(c); and Tax Law, section 171, subd. First.

RULES ADOPTED IN 2013

1. TAF-37-12-00005-A Combined Reports

This rule amended Parts 3, 6, and 21 and added Part 33 to Title 20 NYCRR, relating to combined reports.

Analysis of the need for the rule: This rule implemented and provided guidance relating to changes in the combined reporting requirements effected by Chapter 60 of the Laws of 2007. The rule also reflected technical corrections to the Chapter 60 amendments made by Chapter 57 of the Laws of 2008, relating to the filing of combined reports by Real Estate Investment Trusts (REITs) and Regulated Investment Companies (RICs).

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First, 1096(a), 1468 and 1519.

2. TAF-48-12-00008-A Tax Return Filings for Licensed Farm Breweries

This rule amended section 60.1 of Title 20 NYCRR regarding tax return filings for licensed farm breweries.

Analysis of the need for the rule: The rule allowed licensed farm breweries to file annual beer tax returns in lieu of monthly returns, reducing the filing burden on such taxpayers, consistent with the treatment of similarly situated micro-brewers and restaurant brewers.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, 429(1) and 436 (not subdivided).

3. TAF-38-13-00008-A Tax Return Preparers

This rule added Part 2600, repealed section 158.12(1)(iv); and amended section 158.12(1)(v)-(ix) of Title 20 NYCRR to regulate tax return preparers.

Analysis of the need for the rule: This rule was necessary to advance tax administration, elevate the professionalism of the tax return preparation industry and protect NYS taxpayers. The rule imposed educational and testing requirements and provided minimum standards of conduct for registered tax return preparers. Under Part 2600, a beginning tax return preparer must initially complete 15 credit hours of annual continuing professional education ("CPE") and pass a one-time competency exam. After satisfying this requirement for one year, the preparer must complete only 4 hours of CPE annually. Experienced tax return preparers are required to complete 4 hours of CPE annually and pass the one-time competency exam. The rule provided for sanctions for failure to satisfy these educational requirements, or for deviation from the standards of conduct. The educational and conduct requirements balance the need to protect taxpayers against the need to avoid imposing undue burdens on tax return preparers.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 32, 171, subd. First, 697(a); and L. 2009, ch. 59, Part VV, section 4.

4. TAF-39-13-00007-A Mailing of Certain Excise Tax Documents

This rule amended sections 68.3, 68.4, 73.1 and 417.2 of Title 20 NYCRR regarding mailing of certain excise tax documents.

Analysis of the need for the rule: This rule eliminated references to the mailing of certain excise tax publications and documents by the department. This allowed the department to disseminate such documents by more efficient methods, such as the Internet and electronic mail, thereby reducing printing and mailing costs.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, 436 (not subdivided) and 475 (not subdivided).

5. TAF-39-13-00008-A Offers in Compromise

This rule amended Parts 5000 and 5005, and section 4000.4; and repealed section 7-4.5 of Title 20 NYCRR regarding offers in compromise.

Analysis of the need for the rule: This rule was necessary to implement amendments to Tax Law section 171, subdivisions Fifteenth and Eighteenth made by Chapter 469 of the Laws of 2011, which required

the commissioner to define what constitutes undue economic hardship in the context of offers in compromise.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, Fifteenth and Eighteenth-a and 1096(a); and L. 2011, ch. 469.

6. TAF-39-13-00009-A Service of Process on the Department

This rule amended section 2391.3(a) of 20 NYCRR relating to personal service of process on the department at its district offices.

Analysis of the need for the rule: This rule eliminated the option of personally serving the department with legal process at its district offices, thereby making it possible for the department to streamline its operations by discontinuing all walk-in services previously available at district offices, including receipt of process. Taxpayers retained the options of serving the department personally at its principal office in Albany, NY, or by first class or certified mail.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, section 171, subd. First; and Civil Practice Law and Rules, section 307.

RULES ADOPTED IN 2008

1. TAF-10-08-00004-A Supplemental Schedule for Distributors of Tobacco Products to Account for Roll-Your Own Cigarette Tobacco in New York State

This rule added section 89.4 to Title 20 NYCRR, relating to reporting requirements for certain distributors of tobacco products in relation to roll-your-own (RYO) cigarette tobacco.

Analysis of the need for the rule: New York State's Public Health Law Article 13-G constitutes the State's "Qualifying Statute" under the Master Settlement Agreement (MSA). It provides that each tobacco product manufacturer selling cigarettes or RYO cigarette tobacco in New York must either: (a) join the MSA and make the annual payments required by that agreement; or (b) make annual escrow deposits based upon the amount of its products sold each year in New York. Chapter 272 of the Laws of 2006 amended the Public Health Law in relation to enforcement of the MSA to require non-participating manufacturers to include RYO cigarette tobacco in determining their annual escrow payments. This rule required tobacco distributors to complete a schedule reporting information on RYO cigarette tobacco manufactured in the State or imported into the State to assist in the enforcement of the Public Health Law.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First and Fourteenth and 475 (not subdivided); and Public Health Law, section 1399-oo, subd. (10).

2. TAF-24-08-00006-A Cigarette Tax

This rule amended sections 70.1 and 80.2 and Parts 74 and 82, re-numbered section 79.3 to section 79.4; and added new section 79.3 to Title 20 NYCRR to reflect the statutory increase in the rate of New York State cigarette excise tax that became effective on June 3, 2008.

Analysis of the need for the rule: Chapter 57 of the Laws of 2008, Part RR-1, amended Tax Law Article 20 to increase the tax on cigarettes effective June 3, 2008. Part RR-1 also required all agents, wholesale dealers and retail dealers to pay the tax increase on cigarettes possessed and tax stamps in inventory as of the close of business June 2, 2008. This rule made necessary regulatory changes to implement the statutory provisions and to set the commissions allowable to cigarette agents for affixing cigarette stamps relating to the new rate of tax. The rule also updated the methodology for calculating the basic cost of cigarettes and made other technical updates.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First, 475 (not subdivided), 1142(1), 1250 (not subdivided); and L. 2008, c 57, Part RR-1, section 4.

3. TAF-37-08-00005-A Sales Tax Re-registration of Show and Entertainment Vendors and Other Persons

This rule amended Parts 533, 539, and 540 of Title 20 NYCRR concerning the sales tax re-registration process for show and entertainment vendors and other persons.

Analysis of the need for the rule: Part LL-1 of Chapter 57 of the Laws of 2008 directed the department to institute a sales tax re-registration program under which registered persons were required to file new certificates of registration (renewal) and obtain new certificates of authority to collect sales tax. The rule was part of the department's plan to streamline the sales tax re-registration process by eliminating the special certificate of authority (and its specified annual term) that was applicable only to show and entertainment vendors. Prior to the rule, this "Certificate of Authority for Show and Entertainment Vendors" was automatically reissued by the department at the end of each calendar year provided the vendor had no sales tax delinquencies. The rule allowed the department to conform the process by which show and entertainment vendors' certificates of authority are renewed to the process applicable to other registered persons. Additionally, the rule contained clarifying, technical and conforming amendments in conjunction with this change and with Part LL-1 of Chapter 57 of the Laws of 2008.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, 1134(a)(2) and (5), 1142(1) and (8), 1250 (not subdivided); and L. 2008, ch. 57, Part LL-1.

4. TAF-42-08-00016-A Definition of Resident for Personal Income Tax

This rule amended section 105.20(e)(1) of Title 20 NYCRR to eliminate the "temporary stay" exception from the definition of permanent place of abode for purposes of determining residency.

Analysis of the need for the rule: The elimination of the temporary stay exception from the definition of permanent place of abode provided taxpayers and the department with more precise rules for assessing residency status for New York State personal income tax purposes. Prior to the adoption of the rule, a place of abode would not be considered permanent if it was maintained only during a temporary stay, or "fixed and limited period," for the accomplishment of a "particular purpose." The temporary stay concept does not appear in the definitions of resident, nonresident and part-year resident set forth in Tax Law section 605(b)(1), and was difficult to apply for both taxpayers and the department. The elimination of this unwieldy construct provided greater clarity and settled expectations for taxpayers and the department.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First, 697(a) and 605(b)(1).

5. TAF-44-08-00016-A Taxable Sales by Certain Exempt Organizations

This rule amended sections 526.10, 529.7, 529.8, and 529.9 of Title 20 NYCRR to provide rules regarding sales tax on sales, including auction sales, by certain exempt organizations.

Analysis of the need for the rule: Part KK-1 of Chapter 57 of the Laws of 2008 amended Tax Law section 1116(b)(1) to expand the existing "shop or store" provision so that certain additional sales of tangible personal property and services are subject to sales tax when sold by certain organizations that are otherwise exempt from sales tax. The rule reflected the additional sales made taxable by Part KK-1, which include remote sales (e.g., sales over the Internet) of tangible personal property and certain services if made with a degree of regularity, frequency, and continuity. Because this legislation applied to remote auction sales, the rule also provided guidance regarding when both remote and traditional auction sales are considered to be made with a degree of regularity, frequency, and continuity.

The notice of proposed rulemaking included a regulatory flexibility analysis and a rural area flexibility analysis.

Legal basis for the rule: Tax Law, sections 171, subd. First, 1116(b)(1), 1142(1) and (8), 1250 (not subdivided); and L. 2008, ch. 57, Part KK-1.

6. RPS-16-08-00006-A Annual Charges to Railroad Companies

This rule repealed section 200-6.7 and added section 200-7.1 to Title 9 NYCRR (currently, section 8200-7.1 of Title 20 NYCRR), relating to railroad companies.

Analysis of the need for the rule: A 2007 rulemaking intended to make certain updates to then Part 200 of Title 9 NYCRR, consistent with changes in state and Federal law, inadvertently retained section 200-6.7, which merely restated statute, and repealed section 200-7.1, which provided the process for establishing an annual charge imposed on railroad companies to defray the cost of the railroad ceilings program. This rule repealed section 200-6.7 and restored current section 8200-7.1 of Title 20 NYCRR (formerly, section 200-7.1 of Title 9 NYCRR), which provides the process for establishing annual charges that had been repealed unintentionally.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l), 489-q, and 489-nn; and State Finance Law, section 97-jj.

RULES ADOPTED IN 2003

1. RPS-49-02-00014-A Reimbursement of Local Officials

This rule amended section 8188-2.9 of Title 20 NYCRR (formerly, section 188-2.9 of Title 9 NYCRR) relating to equitable distribution of funds.

Analysis of the need for the rule: The rule provided a process for the equitable distribution of available funds to reimburse the real and actual expenses incurred in satisfying the training requirements for local officials.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l), 318, and 1530; and L. 2002, ch. 53.

RULES ADOPTED IN 1998

1. TAF-49-97-00004-A Stock Transfer Tax

This rule amended Subchapter G of Chapter I of Title 20 NYCRR to simplify and update the Stock Transfer Tax regulations.

Analysis of the need for the rule: This rule repealed obsolete provisions, removed language that merely duplicated statute, consolidated, simplified and made technical and clarifying amendments to the remaining provisions of Subchapter G. The rule also provided for an alternative means for brokers to submit daily reports to a clearing corporation and provided for the manner in which they could certify such records. In addition, the rule addressed the rebate of the stock transfer tax provided for in Tax Law section 280-a.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, section 171, sub. First.

2. TAF-01-98-00007-A Action for Failure to Release a Lien

This rule added Part 2400 to Title 20 NYCRR, relating to civil actions for failure to release a lien upon property of the taxpayer.

Analysis of the need for the rule: This rule implemented provisions of Chapter 577 of the Laws of 1997, which entitles a taxpayer to bring a civil action for damages against the state in the court of claims if any officer or employee of the department knowingly or negligently fails to release a lien on property of the taxpayer within 40 days of certain specified events. The rule also prescribed the content of a "notice of failure to release a lien," provided taxpayers with guidance on administrative review of such notice and provided for the type of bond or other security which is acceptable to effectuate a release of lien.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal Basis for the rule: Tax Law, sections 171, subd. First and 3032(a) and (d); and L. 1997, ch. 577, section 56(j).

3. TAF-07-98-00003-A Marshmallow Sales Tax Exemption

This rule amended section 528.2(a) of Title 20 NYCRR, relating to the imposition of sales tax on receipts from the sales of marshmallows and marshmallow bits.

Analysis of the need for the rule: Prior to the adoption of the rule, due to a hyper-technical construction of the Tax Law, large marshmallows were considered to be candy and confectionary subject to sales tax, while marshmallow bits were considered to be food used in cooking and baking exempt from tax. The rule allowed marshmallows to be treated consistently as exempt from sales tax, irrespective of size.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, 1142(1) and 1250 (not subdivided).

4. TAF-17-98-00004-A Mortgage Recording Taxes

This rule amended Part 647 of Title 20 NYCRR to reflect a statutory change regarding residential credit line mortgages.

Analysis of the need for the rule: Prior to statutory changes made by Chapters 489 and 490 of the Laws of 1996, when a credit line mortgage of real property principally improved or to be improved by a one-to six-family owner-occupied residence or dwelling ("residential credit line mortgage") was recorded, the mortgage recording tax was computed and paid based on the maximum principal amount secured by the mortgage. No further tax was payable on the recording or the filing of instruments evidencing advances or readvances by the lender to the borrower under a residential credit line mortgage. The rule reflected the department's interpretation of the statutory amendments and provided for the aggregation of certain related mortgages so that the \$3 million limitation could not easily be circumvented.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, 253-b(3) and 263(1)(a).

5. TAF-19-98-00002-A Taxpayers Affected by Declared Disasters

This rule added Part 2401 to Title 20 NYCRR to provide relief for taxpayers affected by declared disasters by extending tax deadlines.

Analysis of the need for rule: The rule implemented the provisions of Chapter 8 of the Laws of 1998 that authorized the Commissioner of Taxation and Finance to postpone certain tax deadlines for a period of up to 90 days, without imposition of penalty and interest, for taxpayers determined pursuant to regulations to be affected by a disaster declared by the President or the Governor. The rule defined taxpayers affected by a disaster to include any taxpayer located within the designated disaster area, as well as any other taxpayer determined by the commissioner to be affected or within a class of affected taxpayers.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, section 171, subd. First and Twenty-eighth; and L. 1998, ch. 8

6. TAF-32-98-00004-A Athletic Clubs

This rule amended Example 29 of section 527.11(b)(7) of Title 20 NYCRR relating to fishing and hunting clubs.

Analysis of the need for the rule: This rule amended Example 29 of section 527.11(b)(7) to eliminate the reference to fishing and hunting clubs as examples of athletic clubs whose dues and initiation fees are subject to sales tax, and to qualify the reference to boating clubs subject to such tax. This amendment was necessary to conform the regulations to current interpretation of statutory provisions concerning the taxation of dues and initiation fees paid to athletic clubs. In general, these dues and initiation fees are subject to sales tax under Tax Law section 1105(f)(2). This rule reflected a change in department policy, which had previously been that dues and initiation fees paid to fishing and hunting clubs were subject to sales tax. The rule also quali-

fied the nature of boating clubs that are considered to be athletic clubs, i.e., those boating clubs devoted to sports and athletic activities. This was necessary to clarify that not all boating clubs fall within the purview of Tax Law section 1105(f)(2) as taxable athletic clubs.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Tax Law, sections 171, subd. First, 1142(1) and 1250 (not subdivided).

7. RPS-29-98-00008-A General Administration

This rule amended Part 8185 of 20 NYCRR (formerly, Part 185 of Title 9 NYCRR) to simplify general administrative provisions.

Analysis of the need for the rule: This rule simplified provisions of Part 8185 relating to general administrative regulations implementing the Freedom of Information Law, Personal Privacy Protection Law and Environmental Quality Review Act, with the goal of simplifying existing rules to improve administration of agency programs and help participants to clearly understand their roles and responsibilities.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, section 202(1)(l); Public Officers Law, sections 87(1)(b), 94(2), and (1)(i); Environmental Conservation Law, sections 8-0113(3); and State Administrative Procedure Act, section 204.

8. RPS-29-98-00009-A Equalization Products

This rule amended Part 8186 of Title 20 NYCRR (formerly, Part 186 of Title 9 NYCRR) relating to equalization products.

Analysis of the need for the rule: This rule simplified the provisions of Part 8186 relating to equalization products with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule removed from Part 8186 those provisions that unnecessarily restated statute, addressed only internal agency procedures or constituted explanatory statements of policy. The rule also deleted or moved definitions, removed obsolete provisions and added several references to incorporate legislative changes.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, Articles 8, 12, 18, and 19; sections 202(1)(l), 1314, and 1315.

9. RPS-29-98-00010-A Minimum Qualifications Standards, Training and Certification of Local Assessment Administration Personnel

This rule amended Part 8188 of Title 20 NYCRR (formerly, Part 188 of Title 9 NYCRR) relating to assessors and other local assessment and administration personnel.

Analysis of the need for the rule: This rule simplified provisions of Part 8188 relating to qualifications, training and certification of assessors and other local assessment and administration personnel with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule removed from Part 8188 obsolete provisions and those provisions that unnecessarily restated statute, addressed internal agency procedures or constituted explanatory statements of policy. The rule also deleted several definitions and moved others to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR).

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l), 310, 312, 318, 320, 322, 1530, and 1532.

10. RPS-29-98-00011-A Tax Maps

This rule amended Part 8189 of Title 20 NYCRR (formerly, Part 189 of Title 9 NYCRR) relating to tax maps.

Analysis of the need for the rule: This rule amended Part 8189 with the goal of simplifying existing regulations concerning tax maps to

improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule removed from Part 8189 those provisions that unnecessarily restated statute, addressed only internal agency procedures or constituted explanatory statements of policy. The rule also deleted some definitions and moved others to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR).

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l) and 503(1)(b).

11. RPS-29-98-00012-A Assessment Rolls

This rule amended Part 8190 of Title 20 NYCRR (formerly, Part 190 of Title 9 NYCRR) relating to assessment rolls.

Analysis of the need for the rule: This rule simplified provisions of Part 8190 relating to assessment rolls with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule eliminated from Part 8190 as unnecessarily redundant provisions that merely restated statute.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l) and 504(1).

12. RPS-29-98-00013-A Real Property Transfers

This rule amended Part 8191 of Title 20 NYCRR (formerly, Part 191 of Title 9 NYCRR) relating to real property transfers.

Analysis of the need for the rule: This rule simplified provisions of Part 8191 relating to real property transfer reports with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule removed from Part 8191 those provisions that were obsolete, merely restated statute or related to exclusively internal, discretionary agency procedures. The rule also deleted several definitions and moved others to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR). In addition, the rule consolidated and simplified the reporting requirements for real property transfers.

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202, 574, 738, and 1570; and Real Property Law section 333.

13. RPS-29-98-00014-A Assessors' Reports

This rule amended Subpart 8193-4 of Title 20 NYCRR (formerly, Subpart 193-4 of Title 9 NYCRR) relating to assessor's reports.

Analysis of the need for the rule: This rule simplified provisions of Part 8193 relating to filing and content of assessors' reports with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule eliminated from Part 8193-4 provisions that were obsolete or unnecessarily restated statute. The rule also consolidated and simplified the reporting requirements for assessors, deleted several definitions and moved others to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR).

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202 and 575.

14. RPS-32-98-00007-A Advisory Appraisals

This rule amended Part 8195 of Title 20 NYCRR (formerly, Part 195 of Title 9 NYCRR) relating to advisory appraisals.

Analysis of the need for the rule: This rule simplified provisions of Part 8195 relating to advisory appraisals with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and

responsibilities. The rule removed from Part 8195 those provisions that merely restated statute, addressed only internal agency procedures or constituted explanatory statements of policy. The rule also deleted obsolete provisions and moved definitions to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR).

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l), 1536, 1544, 1546 and 1548.

15. RPS-32-98-00008-A Revisions of Provisions Concerning Assessment of Oil and Gas Economic Units

This rule amended Part 8196 of Title 20 NYCRR (formerly, Part 196 of Title 9 NYCRR) relating to assessment of oil and gas economic units.

Analysis of the need for the rule: This rule simplified provisions relating to assessment of oil and gas economic units with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule removed from Part 8196 provisions that unnecessarily restated statute, addressed only internal agency procedures or constituted explanatory statements of policy. The rule also deleted some definitions and moved others to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR).

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202 and 592.

16. RPS-32-98-00009-A Establishment of Assessments and Full Values of Special Franchises

This rule amended Part 8197 of Title 20 NYCRR (formerly, Part 197 of Title 9 NYCRR) relating to assessments and full values of special franchises.

Analysis of the need for the rule: This rule simplified provisions relating to establishment of special franchise assessments and full values with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule removed from Part 8197 those provisions that restated statute, addressed only internal agency procedures or constituted explanatory statements of policy. The rule also repealed obsolete provisions and moved definitions to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR).

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, section 202(1)(l), and art. 6.

17. RPS-32-98-00010-A Taxation of State Lands

This rule amended Part 8199 of Title 20 NYCRR (formerly, Part 199 of Title 9 NYCRR) relating to taxation of state lands.

Analysis of the need for the rule: This rule simplified provisions of Part 8199 relating to taxation of State lands with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule removed from Part 8199 those provisions that restated statute, addressed only internal agency procedures or constituted explanatory statements of policy. The rule also repealed obsolete provisions, deleted certain definitions and moved others to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR).

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, section 202(1)(l).

18. RPS-32-98-00011-A Railroad Ceilings

This rule amended Part 8200 of Title 20 NYCRR (formerly, Part 200 of Title 9 NYCRR) relating to railroad ceilings.

Analysis of the need for the rule: This rule simplified the provisions

of Part 8200 relating to railroad ceilings with the goal of simplifying existing regulations to improve the administration of agency programs and help participants to clearly understand their roles and responsibilities. The rule removed from Part 8200 those provisions that unnecessarily restated statute, addressed only internal agency procedures or constituted explanatory statements of policy. The rule also deleted certain definitions and moved others to Subpart 8185-1 (formerly, Subpart 185-1 of Title 9 NYCRR).

The notice of proposed rulemaking did not include a regulatory flexibility analysis, a rural area flexibility analysis or a job impact statement.

Legal basis for the rule: Real Property Tax Law, sections 202(1)(l), (m), 489-q, and 489-nn.

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE EXISTING FIRE ALARM SYSTEM Mohawk Correctional Facility Rome, Oneida County

Sealed bids for Project No. 44830-E, comprising a contract for Electrical Work, Replace Existing Fire Alarm System, Mohawk Correctional Facility, 6514 NY-26, Rome (Oneida County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Corrections and Community Supervision, until 2:00 p.m. on Wednesday, January 18, 2023 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount \$437,200 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$15,000,000 and \$20,000,000 for E.

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

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

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

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

The substantial completion date for this project is 1,163 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on January 5, 2023, at Mohawk Correctional Facility, 6514 State Rt 26, Rome NY 13440. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Matt Chesebro (315-960-6860) a minimum of 72 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 72 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of docu-

ments can be accessed at the following link: <http://www.bidexpress.com>

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

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

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

By OGS - Design & Construction Group

SEALED BIDS

- Two (2) Electric Work Contracts: 47361-E, 47363-E
- Two (2) Plumbing Work Contracts: 47365-P, 47367-P
- One (1) Construction Work Contract: 47368-C

Sealed bids for the above Work located in the Geographic Contract Areas described below in Table 1 and comprising separate contracts for Electric Work, Plumbing Work, and Construction Work, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, until 2:00 p.m. on the date indicated in Table 2 below, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e., certified check, bank check, or bid bond in the amount of \$25,000.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount the Anticipated Annual Value of Work as noted in Table 2.

This Advertisement for Bids is for multiple Job Order Contracts (hereinafter called JOC). A Job Order Contract is an indefinite quantity contract pursuant to which the Contractor will perform a series of individual repair, alteration, modernization, maintenance, rehabilitation, demolition, and construction projects at different locations. Work is accomplished by means of issuance of a Job Order against a master contract. Under the JOC concept, the Contractor furnishes all management, documentation, labor, materials, and equipment needed to perform the Work. The State has published Construction Task Catalogs? containing a series of work items with pre-established Unit Prices. The Contractor will bid Adjustment Factors to be applied to the pre-established Unit Prices. The price paid by the State for an individual Project will be determined by multiplying the pre-established Unit Prices by the appropriate quantities and by the appropriate Adjustment Factor(s).

Table 1- Geographic Contract Areas

Geographic Contract Areas

Contract #	Area Title	Counties Served
47361-E	1	Bronx, Kings, Nassau, New York, Queens, Richmond, and Suffolk
47363-E	3	Albany, Columbia, Delaware, Fulton, Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington
47365-P	5	Broome, Cayuga, Chenango, Cortland, Herkimer, Madison, Oneida, Onondaga, Oswego, Tioga, and Tompkins
47367-P	7	Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne and Yates
47368-C	8	Allegany, Chautauqua, Cattaraugus, Erie, Genesee, Niagara, Orleans, and Wyoming

Table 2- Contract Values and Bid Due Dates

Contract Number	Anticipated Annual Value of Work	Bid Due Date
47361-E	\$1,000,000	11 January 2023
47363-E	\$1,000,000	11 January 2023
47365-P	\$500,000	11 January 2023
47367-P	\$500,000	11 January 2023
47368-C	\$1,000,000	11 January 2023

Prospective bidders must register for a Pre-Bid Conference in order to attend. The conference will be held for the purpose of discussing the JOC concept, Contract Documents, specifics of the OGS JOC program, OGS expectations, JOC from the Contractor’s perspective (including how to properly prepare a bid) and other bid considerations. The attendees representing prospective bidders at the Pre-Bid Conferences should be principals of the firm and/or the individuals who will be compiling the bid on behalf of the firm. If the bidder is a joint venture, at least one party of the joint venture must register to attend a Pre-Bid Conference.

Pre-Bid Conferences – Zoom:

Using the links below, prospective bidders will need to register for one of the dates listed below. Prospective bidders will then receive a confirmation email with a link to join on the selected date. Prospective bidders will click on one of the provided links within the confirmation email and Zoom will launch. The system will walk prospective bidders through joining the meeting by audio either via phone or on their computer.

Wednesday January 4, 2023 - 10:00 AM-12:00 PM

Thursday January 5, 2023 - 10:00 AM-12:00 PM

Zoom Link – January 4, 2023

<https://gordian.zoom.us/meeting/register/tZUlfuqvqTMqHtVmn8Gd1NmBr8LF392xqdaD>

Zoom Link – January 5, 2023

<https://gordian.zoom.us/meeting/register/tZwtdOmvqjMtGtFqMT6V3iD21achgs7wn8v1>

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

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

reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion dates for these Projects, is 365 days after the Agreement is approved by the Comptroller.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

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 Office of General Services GreenNY Council

Pursuant to Executive Order No. 22, Leading By Example: Directing State Agencies to Adopt a Sustainability and Decarbonization Program, September 20, 2022 ("EO 22"), the GreenNY Council hereby gives public notice of the following:

Two (2) sustainable procurement specifications were tentatively approved by the GreenNY Council and have been posted for public comment.

These include new or amended specifications on the following topics:

- Paint
- Copy Paper and Paper Supplies

All the above specifications are available for viewing at: <https://ogs.ny.gov/greenny/executive-order-4-tentatively-approved-specifications>

Information regarding the green specification approval process is also available at the above link.

Comments may be submitted electronically to: GreenNY@dec.ny.gov

Comments from the public regarding the tentatively approved specifications will be accepted until Monday, February 6, 2023.

PUBLIC NOTICE Department of State F-2022-0411 (DA) Date of Issuance – January 4, 2023

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

The United States Army Corps of Engineers (USACE) has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program.

In F-2022-0411(DA), the USACE proposes to place on sale approximately 360,000 CY of clean fill material, placed at the Houghtaling Island Dredge Material Placement Site (DMPS), as part of the Hudson River Federal Navigation Channel project at New Baltimore (River Mile 132), New York. Any material sold would be harvested by the purchaser and transported off-shore via the Hudson River, using existing ingress and egress corridors. The transportation of material off-stie via land access roads would be prohibited.

The stated purpose of the project is to create capacity at the USACE owned Houghtaling Island DMPS.

The USACE's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0411publicnotice.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 February 3, 2023.

Comments should be addressed to: Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE Department of State F-2022-0657

Date of Issuance – January 4, 2023

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-2022-0657, The Rochester Yacht Club is proposing to replace an existing wood dock and floating ramp with a 44' wide by 130' long over the water pile supported deck. There would be a 677sf ramp included within the deck area. The proposal also includes two floating docks (~10' x 50') placed on the waterward side of the deck.

The proposal would be located at the Rochester Yacht Club which is located on the Genesee River at 5555 Saint Paul Boulevard in the City of Rochester, Monroe County.

The stated purpose of the proposal is "to facilitate the growing

demand for junior sailing and water sports on the Genesee River with access to Lake Ontario.”

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0657publicnotice.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 February 3, 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

F-2022-0797

Date of Issuance – January 4, 2023

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-2022-0797, The Village of Sackets Harbor is proposing to install a 14' x 20' floating dock with a 3.5' x 13' kayak launch. The floating dock would be accessed from a proposed 4' x 46' aluminum gangway. The gangway would attach to a 12' wide by 20' long steel sheet pile supported concrete platform, which would be constructed landward of the Ordinary High Water mark. The proposed dock would be anchored in by up to four 8' x 8' x 1' concrete anchor blocks. The floating dock would include a railing and a 5' long by 2' wide bench. Up to 10cy of riprap would be placed below the plane of Ordinary High Water surrounding proposed platform.

The proposal would be located at a village owned parcel on Black River Bay/Lake Ontario located at the northwestern end of Hamilton Street. The village proposal also involves upland improvements to the property including a trail with stairs leading from the street down to the proposed concrete platform, landscaping, storm water infrastructure improvements, solar pipe bollards, park benches, and a drop off area along the road wall.

The stated purposes of the proposal are, “to improve the public access to waterfront and create a destination for visitors and tourist to utilize the historic and scenic space within the Village.”

This proposal is part of the New York State Lake Ontario Resiliency & Economic Development Initiative (REDI). REDI is a program created to increase the resilience of shoreline communities and bolster economic development throughout the Lake Ontario and St. Lawrence River regions of New York State. Additional information about the REDI program including project profiles can be found at: <https://www.governor.ny.gov/programs/lake-ontario-resiliency-and-economic-development-initiative-redi>

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0797publicnotice.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, January 19, 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

F-2022-0867

Date of Issuance – January 4, 2023

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-2022-0867, Caroline Toscano, is proposing to clear a 4 ft. wide by 40 ft. long path through a wetland. Construct 64' x 4' fixed walkway. Install a 3' x 12' aluminum ramp. Install an 18.7' x 6' floating dock with a 4' x 2' bump out for a ramp at 610 Jackson’s Landing, Mattituck.

Town of Southold, Suffolk County, Mattituck Creek

The stated purpose of the proposed action is to provide homeowner with access to the water for recreation.

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0867toscanoconsistcert.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 February 3, 2023.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2022-0896

Date of Issuance – January 4, 2023

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

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant’s consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2022-0896, the applicant, Augusta Withington, is proposing to add a 10' x 30' dock extension to an existing 10' x 120' dock, an 8' x 30' dock extension to an existing 8' x 90' dock, and an 8' x 30' dock extension to an existing 8' x 70' dock at RJ Marine. Extensions would include open pile construction, utilizing 6" steel piles, joists, and decking. This project is located at 690 Riverside Drive, Village of Clayton, Jefferson County, St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0896app.pdf> or at <https://dos.ny.gov/public-notices>

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

- Village of Clayton Local Waterfront Revitalization Program: <https://dos.ny.gov/location/town-and-village-clayton-local-waterfront-revitalization-program>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 3, 2023.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State Uniform Code Variance/Appeal Petitions

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

2022-0523 Matter of Michael Landry, 699 Heritage Drive, Rochester, NY, 14615, for a variance concerning safety requirements, including permanent barriers. Involved is a one-family dwelling, located at 699 Heritage Drive, Town of Greece, County of Monroe, State of New York.

2022-0597 Matter of Justin Barnes, 11 Valencia Lane, Clifton Park, Saratoga, NY, 12065, for a variance concerning safety requirements, including basement ceiling height. Involved is a one-family dwelling, located at 11 Valencia Lane, Town of Clifton Park, Saratoga County, State of New York.

2022-0598 Matter of Hoffman + Riley Architects, LLP, 1735 Central Avenue, Albany, NY, 12205, for a variance concerning safety requirements, including existing door height. Involved is an existing building located at 737 Albany Shaker Road, Town of Colonie, County of Albany, State of New York.

2022-0603 Matter of Greenman-Pedersen, Inc., 80 Wolf Road, Suite 300, Albany, NY, 12205, for a variance concerning safety requirements, including automatic sprinkler requirements. Involved is a multi-use air-filled structure, known as the Christian Brothers Academy, located at 12 Airline Drive, Town of Colonie, County of Albany, State of New York.

2022-0607 Matter of RF Investment, LLC, 15 Wicks Path, Com-mack, NY, 11725, for a variance concerning safety requirements, including fire rated cellar ceilings. Involved is a multiple family dwelling located at 651 Lansing Street, City of Schenectady, County of Schenectady, State of New York.

2022-0609 Matter of Green Street of Schenectady, LLC, Three

Somerset Lane, Scotia, NY, 12302, for a variance concerning safety requirements, including fire rated cellar ceilings. Involved is a multiple family dwelling located at 219 Green Street, City of Schenectady, County of Schenectady, State of New York.

2022-0653 Matter of Saddek Enterprises, LLC, 2127 Lenox Road, Schenectady, NY, 12302, for a variance concerning safety requirements, including fire rated cellar ceilings. Involved is a multiple family dwelling located at 814 Eastern Avenue, City of Schenectady, County of Schenectady, State of New York.

2022-0660 Matter of Bleu Group Enterprise, LLC, P.O. Box 336, Schenectady, NY, 12301, for a variance concerning safety requirements, including fire rated cellar ceilings. Involved is a multiple family dwelling located at 609 Union Street, City of Schenectady, County of Schenectady, State of New York.

2022-0672 Matter of Whiteman Osterman & Hanna, LLP, One Commerce Plaza, Albany, NY, 12260, for a variance concerning safety requirements, including fire rated cellar ceilings. Involved is a multiple family dwelling located at 852 Union Street, City of Schenectady, County of Schenectady, State of New York.

PUBLIC NOTICE

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2022-0678 Matter of Miguel Diaz, 990 Sipp Avenue, Medford, NY 11763, for a variance concerning safety requirements, including ceiling height and height under a projection. Involved is an existing dwelling located at 990 Sipp Avenue, Medford, Town of Brookhaven, NY 11763, County of Suffolk, State of New York.

PUBLIC NOTICE

Department of State Uniform Code Variance/Appeal Petitions

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

2022-0684 Matter of Robert Hassett, 83 Park Avenue, Port Washington, NY 11050, for a variance concerning safety requirements, including ceiling height and height under a projection. Involved is an existing dwelling located at 83 Park Avenue, Port Washington, NY 11050, County of Nassau, State of New York.

2022-0685 Matter of William Rehren, 60 Brennan Street, Huntington, NY 11743, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 60 Brennan Street, Huntington, NY 11743, County of Suffolk, State of New York.

2022-0687 Matter of Leslie D'elia, 27 Drake Street, Malverne, NY 11565, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 27 Drake Street, Malverne, NY 11565, County of Nassau, State of New York.

2022-0688 Matter of Christina Fry, Esq., Seven Pine Ridge Drive, Smithtown, NY 11787, for a variance concerning safety requirements, including height under a projection. Involved is an existing dwelling located at 11 Highland Drive, Centerport, NY 11721, County of Suffolk, State of New York.

