
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 19, 2023
- the 45-day period expires on March 4, 2023
- the 30-day period expires on February 17, 2023

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

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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.

Office of Alcoholism and Substance Abuse Services

NOTICE OF EXPIRATION

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

Masking Requirements in All OASAS Certified/Funded/ Otherwise Authorized Settings

I.D. No.	Proposed	Expiration Date
ASA-52-21-00005-EP	December 29, 2021	December 29, 2022

Office of Children and Family Services

NOTICE OF EXPIRATION

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

To Establish Minimum Standards to Control the Spread of COVID-19 at Residential Congregate Programs

I.D. No.	Proposed	Expiration Date
CFS-52-21-00003-EP	December 29, 2021	December 29, 2022

State Commission of Correction

EMERGENCY RULE MAKING

Medication Assisted Treatment

I.D. No. CMC-43-22-00002-E

Filing No. 2

Filing Date: 2023-01-02

Effective Date: 2023-01-02

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

Action taken: Addition of section 7001.1(g) and Part 7011; amendment of sections 7002.6, 7002.9(a)(2) and 7013.7(c) of Title 9 NYCRR.

Statutory authority: Correction Law, section 45(6), (15) and (18)

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

Specific reasons underlying the finding of necessity: On October 7, 2021, Governor Hochul signed into law legislation (Chapter 432 of the Laws of 2021), which generally serves to allow incarcerated individuals with certain substance use disorders the opportunity to participate in a medication assisted treatment (MAT) program. Subsequent lawmaking (Chapter 432 of the Laws of 2021) postponed the effective date of the legislation to October 7, 2022.

The legislation requires the Office of Addiction Services and Supports (OASAS) to implement, in consultation with the county sheriff and other county governmental units, a jail-based substance use disorder treatment and transition services program that supports the initiation, operation and enhancement of substance use disorder treatment and transition services for persons with substance use disorder who are incarcerated in jails. Services provided by each program must be in accordance with plans developed by the county and approved by the OASAS Commissioner, to include alcohol and substance abuse withdrawal management, medication assisted treatment formulations, group and individual counseling and clinical support, peer support, discharge planning and re-entry and transitional supports.

The addition of subdivision (18) of section 45 of the Correction Law requires the New York State Commission of Correction (SCOC) to establish standards and guidelines for a program of MAT for incarcerated individuals in local correctional facilities equivalent to the program established in state correctional facilities, and to submit an annual report to the Governor and legislative leaders on the effectiveness of the programs established. The legislation imposes numerous and precise requirements on the plan, screening, placement, participation, and other requirements of each local correctional facility's substance use disorder treatment and transition services program. Consequently, the proposed rulemaking is immediately necessary to conform with this enactment and to provide local governments with the rules necessary to comply with the legislation.

For the aforementioned reasons, SCOC finds that immediate adoption of the rule is necessary for the preservation of public safety and general welfare, and that compliance with the rulemaking procedures set forth in State Administrative Procedure Act section 202(1) would be contrary to the public interest. By immediately adopting these regulations, SCOC will be able to ensure that each local correctional facility implement a jail-

based substance use disorder treatment and transition services program that supports the initiation, operation and enhancement of substance use disorder treatment and transition services for incarcerated individuals with substance use disorder. Given the upcoming statutory deadline, emergency adoption is needed to require timely compliance with the legislation. Thus, SCOC finds that the regulation must be adopted and implemented effective October 7, 2022 on an emergency basis, and compliance with the minimum periods of notice, public comment and other requirements of State Administrative Procedure Act section 202(1) would be contrary to the public interest.

Subject: Medication assisted treatment.

Purpose: Set minimum standards for a program of medication assisted treatment in jails.

Text of emergency rule: A new subdivision (g) of section 7000.1 of Title 9 is added to read as follows:

(g) *On or before the first day of February of each year, each sheriff, superintendent, commissioner, or other officer in charge of a local correctional facility, in conjunction with the jail physician, shall submit a report to the Commission of Correction detailing the operation, function and effectiveness of the facility's substance use disorder treatment and transition services program during the preceding calendar year. Such report shall be submitted in a form and manner prescribed by the Chair of the Commission.*

Section 7002.6 of Title 9 is amended to read as follows:

A medical screening questionnaire shall be administered by facility staff at the time of admission or prior to the placement of an individual [prisoner] in a facility housing unit. Any screening response indicating a history of alcohol or substance abuse shall result in an immediate referral for additional medical screening pursuant to section 7011.5 of this Title.

Paragraph (2) of subdivision (a) of section 7002.9 of Title 9 is amended to read as follows:

(2) available health services, including physician visits, [and] sick calls and substance use disorder treatment and transition services;

A new Part 7011 of Title 9 is added to read as follows:

Part 7011

Substance Use Disorder Treatment and Transition Services

§ 7011.1 Purpose.

The purpose of this Part shall be to ensure that each local correctional facility implement a jail-based substance use disorder treatment and transition services program that supports the initiation, operation and enhancement of substance use disorder treatment and transition services for incarcerated individuals with substance use disorder.

§ 7011.2 Definitions.

As used in this Part, the following definitions shall apply to the terms listed below:

(a) *Commissioner shall mean the Commissioner of the New York State Office of Addiction Services and Supports.*

(b) *Jail physician shall mean the physician appointed or designated pursuant to section 501 of the Correction Law.*

(c) *Medication assisted treatment shall mean the treatment of chemical dependence or abuse and concomitant conditions with medications requiring a prescription or order from an authorized prescribing professional.*

(d) *Chief administrative officer shall mean the highest-ranking official of the facility.*

(e) *Sheriff shall mean the individual having custody of a local correctional facility pursuant to subdivisions (1) and (2) of section 500-c of the Correction Law.*

§ 7011.3 Policy.

Consistent with the requirements of this Part, each facility shall establish and implement policies and procedures for the operation of a substance use disorder treatment and transition services program pursuant to a plan approved by the Commissioner in accordance with section 19.18-c of the Mental Hygiene Law.

§ 7011.4 Plan for providing services.

(a) *Services to be provided by a facility's substance use disorder treatment and transition services program shall be in accordance with a plan developed by participating local governmental units, in collaboration with the sheriff, taking into account local needs and available resources.*

(b) *Any such plan required by subdivision (a) of this section shall include, but not be limited to, the following:*

(1) *Alcohol, benzodiazepine, heroin and opioid withdrawal management;*

(2) *At least one formulation of every form of medication assisted treatments approved for the treatment of a substance use disorder by the Federal Food and Drug Administration necessary to ensure that each individual participating in the program receives the particular form found to be the most effective at treating and meeting their individual needs. The Commissioner may allow a facility a limited exemption to providing opioid full agonist treatment medications where the Commissioner determines*

that no providers that have received the required accreditation are located within a reasonable distance of the facility. A facility that does not have the resources available to meet standards set forth herein may apply to the Commissioner for a limited exception allowing such facility to enter into an agreement with a community- or jail-based program offering substance use disorder treatment and transition services to provide such services to individuals in the facility. Any such determination shall be reviewed on a regular basis;

(3) *Group and individual counseling and clinical support;*

(4) *Peer support;*

(5) *Discharge planning; and*

(6) *Re-entry and transitional supports.*

(c) *Prior to implementation, the plan required by subdivision (a) of this section shall be approved by the Commissioner.*

(d) *A copy of the plan required by subdivision (a) of this section, any and all amendments and revisions thereof, and any approvals, exemptions and exceptions granted by the Commissioner shall be maintained within the facility by both the chief administrative officer and the jail physician.*

§ 7011.5 Program screening, placement and participation.

(a) *Without unnecessary delay, but no later than seventy-two (72) hours following a referral, an incarcerated individual shall receive a medical screening to determine if the individual suffers from a substance use disorder for which medication assisted treatment exists.*

(b) *Following the medical screening, an incarcerated individual who is determined to suffer from a substance use disorder for which medication assisted treatment exists shall be offered placement in the medication assisted treatment program. Placement in such program shall not be mandatory. The offer of placement shall be made in writing, and the decision to accept or deny placement shall be verified by the incarcerated individual's signature and witnessed and signed by an appropriate staff member. If, for any reason, the incarcerated individual is not able to verify, or refuses to verify the decision, the same must be recorded in writing on the offer of placement and witnessed and signed by two (2) appropriate staff members.*

(c) *Participation in the medication assisted treatment program shall not be unreasonably withheld from a qualified incarcerated individual. An incarcerated individual using medication assisted treatment prior to such individual's incarceration shall be eligible to, upon request by such individual, continue such treatment in the medication assisted treatment program for any period of time during such individual's incarceration.*

(d) *No individual shall be denied participation in the program on the basis of a positive drug screening upon entering custody or upon intake into the program; nor shall any individual receive a disciplinary infraction for such positive drug screening. No individual shall be removed from, or denied participation in the program on the basis of having received any disciplinary infraction before entry into the program, or during participation in the program.*

(e) *An incarcerated individual may enter into such program at any time during the individual's incarceration, and an individual's request to participate in the program shall result in an immediate referral for additional medical screening pursuant to subdivision (a) of this section.*

§ 7011.6 Program requirements.

(a) *Each participating incarcerated individual shall work with an authorized specialist to develop an individualized treatment plan, including an appropriate level of counseling and planning for continuity of care upon return to the community.*

(b) *Decisions regarding type, dosage, or duration of any medication regimen shall be made by a qualified health care professional licensed or certified under Title VIII of the Education Law who is authorized to administer such medication in conjunction with the incarcerated individual.*

(c) *Such program shall also include conditions for a reentry strategy for incarcerated individuals who have participated in medication assisted treatment. Such strategy shall include, but not be limited to, providing each participating incarcerated individual with information on available treatment facilities in their area, information on available housing and employment resources, and any other information that will assist the incarcerated individual in continued recovery once released. Such program shall also assist the incarcerated individual in Medicaid enrollment, prior to release.*

(d) *Such program shall provide participating incarcerated individuals preparing for release from the facility with a one-week supply of any necessary medication, where permissible under federal laws and regulations to continue their medication assisted treatment in an effort to prevent relapse.*

§ 7011.7 Recordkeeping.

(a) *Records detailing each individual's screening, placement and participation, and each participating individual's program required by sections 7011.5 and 7011.6 of this Title including, but not limited to, the offer of placement, individualized treatment plan, medication regimen,*

conditions for a reentry strategy, and medication supply to released individuals, shall be maintained in writing or electronically, and shall sufficiently report the name of the incarcerated individual, the names of all facility/program staff involved, the date, and the name of the recording individual.

(b) Contemporary medication administration records shall be maintained for every incarcerated individual receiving medication assisted treatment pursuant to a facility's substance use disorder treatment and transition services program.

(c) The jail physician and other designated facility health staff shall retain all records required by this section in the facility, or shall otherwise have the ability to immediately access such records as necessary.

Subdivision (c) of section 7013.7 of Title 9 is amended to read as follows:

(c) An immediate decision concerning the disposition of each incarcerated individual [inmate] shall be made on the basis of information gathered during initial screening and risk assessment. Such disposition may include, but is not limited to, referrals to outside medical and mental health service providers. Any gathered information indicating a history of alcohol or substance abuse shall result in an immediate referral for additional medical screening pursuant to section 7011.5 of 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. CMC-43-22-00002-EP, Issue of October 26, 2022. The emergency rule will expire March 2, 2023.

Text of rule and any required statements and analyses may be obtained from: Deborah Slack-Bean, Associate Attorney, Commission of Correction, Alfred E. Smith State Office Building, 80 S. Swan Street, 12th Floor, Albany, New York 12210, (518) 485-2346, email: Deborah.Slack-Bean@scoc.ny.gov

Regulatory Impact Statement

1. Statutory authority:

Subsection (6) of section 45 of the Correction Law authorizes the Commission to promulgate rules and regulations establishing minimum standards for the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all person confined in the correctional facilities of New York State. Subdivision (15) of section 45 of the Correction Law allows the Commission to adopt, amend or rescind such rules and regulations as may be necessary or convenient to the performance of its functions, powers and duties. Subdivision (18) of section 45 of the Correction Law requires the Commission to establish standards and guidelines for a program of medication assisted treatment for incarcerated individuals in county jails and/or county correctional facilities equivalent to the program established in state correctional facilities and submit an annual report to the Governor and legislative leaders on the effectiveness of the programs established.

2. Legislative objectives:

By vesting the Commission with this rulemaking authority, and recently adding Correction Law section 45(18) to require the Commission to establish standards and guidelines for a program of medication assisted treatment for incarcerated individuals in county jails and/or county correctional facilities equivalent to the program established in state correctional facilities and submit an annual report to the Governor and legislative leaders on the effectiveness of the programs established, the Legislature intended the Commission to promulgate minimum standards consistent with this duty.

3. Needs and benefits:

On October 7, 2021, Governor Hochul signed into law legislation (Chapter 432 of the Laws of 2021), which generally serves to allow incarcerated individuals with certain substance use disorders the opportunity to participate in a medication assisted treatment (MAT) program. Subsequent lawmaking (Chapter 432 of the Laws of 2021) postponed the effective date of the legislation to October 7, 2022.

The legislation requires the Office of Addiction Services and Supports (OASAS) to implement, in consultation with the county sheriff and other county governmental units, a jail-based substance use disorder treatment and transition services program that supports the initiation, operation and enhancement of substance use disorder treatment and transition services for persons with substance use disorder who are incarcerated in jails. Services provided by each program must be in accordance with plans developed by the county and approved by the OASAS Commissioner, to include alcohol and substance abuse withdrawal management, medication assisted treatment formulations, group and individual counseling and clinical support, peer support, discharge planning and re-entry and transitional supports.

The addition of subdivision (18) of section 45 of the Correction Law requires the New York State Commission of Correction (SCOC) to establish standards and guidelines for a program of MAT for incarcerated individuals in local correctional facilities equivalent to the program

established in state correctional facilities, and to submit an annual report to the Governor and legislative leaders on the effectiveness of the programs established. The legislation imposes numerous and precise requirements on the plan, screening, placement, participation, and other requirements of each local correctional facility's substance use disorder treatment and transition services program. Consequently, the proposed rulemaking is immediately necessary to conform with this enactment and to provide local governments with the rules necessary to comply with the legislation.

4. Costs:

a. Costs to regulated parties for the implementation of and continuing compliance with the rule: None. As set forth above, a jail's establishment and operation of a substance use disorder treatment and transition services program was required by recent legislation. Compliance with the proposed rule will not result in any additional costs to county and municipal agencies operating such jails.

b. Costs to the agency, the State and local governments for the implementation and continuation of the rule: None. The regulation does not apply to state agencies or governmental bodies. As set forth above in subdivision (a), there would not be any additional costs to local governments.

c. This statement detailing the projected costs of the rule is based upon the Commission's oversight and experience relative to the operation and function of adult jails.

5. Local government mandates:

The rulemaking mirrors recent legislation that requires the establishment and operation of a substance use disorder treatment and transition services program in local correctional facilities, effective October 7, 2022.

6. Paperwork:

The rulemaking requires that records be maintained, in writing or electronically, of each incarcerated individual's screening, placement and participation in the program, to include an individualized treatment plan, medication regimen, conditions for a reentry strategy, and medication supply upon release. Although this rule does not constitute an additional recordkeeping requirement, it does reaffirm existing regulations of 9 NYCRR § 7010.2(j) that adequate health service and medical records of incarcerated individuals be maintained to include diagnosis, medication/treatment prescribed, and medication administered.

7. Duplication:

The rule conforms to recent legislation that requires the establishment and operation of a substance use disorder treatment and transition services program in local correctional facilities, effective October 7, 2022.

8. Alternatives:

Given the legislation that requires the establishment and operation of a substance use disorder treatment and transition services program in local correctional facilities, the Commission did not see any alternative to promulgating conforming regulations.

9. Federal standards:

There are no applicable minimum standards of the federal government.

10. Compliance schedule:

Each local jurisdiction is expected to be able to achieve compliance with the proposed rule effective October 7, 2022.

Regulatory Flexibility Analysis

A regulatory flexibility analysis is not required pursuant to subdivision three of section 202-b of the State Administrative Procedure Act because the rule does not impose an adverse economic impact on small businesses or local governments. The proposed rule seeks only to conform regulations to recent legislation that requires local correctional facilities to operate a substance use disorder treatment and transition services program pursuant to a plan approved by the Commissioner of the Office of Addiction Services and Supports in accordance with section 19.18-c of the mental hygiene law. The proposed rule does not impose any new mandates on local facilities, just reiterates the program planning, screening, placement and participation requirements added to the Correction Law and Mental Hygiene Law. Consequently, the rule will not have an adverse impact on small businesses or local governments, nor impose any additional significant reporting, recordkeeping, or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

A rural area flexibility analysis is not required pursuant to subdivision four of section 202-bb of the State Administrative Procedure Act because the rule does not impose an adverse impact on rural areas. The proposed rule seeks only to conform regulations to recent legislation that requires local correctional facilities to operate a substance use disorder treatment and transition services program pursuant to a plan approved by the Commissioner of the Office of Addiction Services and Supports in accordance with section 19.18-c of the Mental Hygiene Law. Consequently, it will not impose an adverse economic impact on rural areas, nor impose any ad-

ditional significant recordkeeping, reporting, or other compliance requirements on private or public entities in rural areas.

Job Impact Statement

A job impact statement is not required pursuant to subdivision two of section 201-a of the State Administrative Procedure Act because the rule will not have a substantial adverse impact on jobs and employment opportunities, as apparent from its nature and purpose. The proposed rule seeks only to conform regulations to recent legislation that requires local correctional facilities to operate a substance use disorder treatment and transition services program pursuant to a plan approved by the Commissioner of the Office of Addiction Services and Supports in accordance with section 19.18-c of the Mental Hygiene Law. As such, there will be no impact on jobs and employment opportunities.

Assessment of Public Comment

The agency received no public comment.

Delaware River Basin Commission

INFORMATION NOTICE

Importations of Water Into and Exportations of Water From the Delaware River Basin; Discharges of Wastewater from High Volume Hydraulic Fracturing and Related Activities

FILING DATE: December 13, 2022, as a final regulation.

EFFECTIVE DATE: Thirty days after publication in the Federal Register.

ACTION TAKEN: By Resolution No. 2022 – 04 on December 7, 2022, the Delaware River Basin Commission (“DRBC” or “Commission”) approved amendments to its Comprehensive Plan and the Delaware River Basin Water Code concerning importations of water into and exportations of water from the Delaware River Basin; its Special Regulations – High Volume Hydraulic Fracturing, to prohibit discharges to waters or land within the basin of wastewater from high volume hydraulic fracturing (“HVHF”) and HVHF-related activities; and its Water Quality Regulations, to facilitate the implementation in state-issued permits of the prohibition on such discharges.

STATUTORY AUTHORITY: Delaware River Basin Compact, United States Public Law 87-328, Approved September 27, 1961, 75 Statutes at Large 688; 53 Delaware Laws, Chapter 71, Approved May 26, 1961; New Jersey Laws of 1961, Chapter 13, Approved May 1, 1961; New York Laws of 1961, Chapter 148, Approved March 17, 1961, § 14.2; and Pennsylvania Acts of 1961, Act No. 268, Approved July 7, 1961.

PURPOSE: The final rule amends Subchapter E of Chapter XVIII by replacing sections 890.35–43 concerning importations and exportations of water, including wastewater, into and from the Delaware River Basin; Subchapter F of Chapter XVIII by amending sections 899.1–2 and the addition of section 899.4 concerning discharges of wastewater from HVHF and HVHF-related activities; and Subchapter B of Chapter XVIII by the addition of a new section 861.28 incorporating certain provisions of Subchapter F.

For further information, contact Pamela M. Bush, Esquire, Commission Secretary and Assistant General Counsel, at pam.bush@drbc.gov (preferred) or 609-477-7203.

SUPPLEMENTARY INFORMATION: The Delaware River Basin Commission (“DRBC” or “Commission”) is a Federal-interstate compact agency charged with managing the water resources of the Delaware River Basin on a regional basis without regard to political boundaries. Its members are the governors of the four basin states—Delaware, New Jersey, New York and Pennsylvania—and the Division Engineer, North Atlantic Division of the U.S. Army Corps of Engineers, representing the Federal Government.

Background

By a Resolution for the Minutes on February 25, 2021, the DRBC Commissioners directed the Executive Director to prepare and publish for public comment a set of amendments to the Comprehensive Plan and implementing regulations to update the Commission’s policies and provisions concerning inter-basin transfers of water and wastewater from and into the basin and to “include in the draft regulations such other proposed amendments. . . as [the Executive Director, in consultation with the Commissioners] deem necessary or appropriate.” The directive accompanied the Commission’s decision not to include in its final rule adopted on the same date, portions of a proposed rule published in the Federal Register in January 2018 that concerned the exportation of water

to support high volume hydraulic fracturing (“HVHF”) and the importation, treatment, and discharge of “produced water” and “CWT wastewater”(with accompanying definitions). In accordance with the Commission’s February 25, 2021 directive, the Commission published a new proposed rule on its website on October 28, 2021. A notice of proposed rulemaking and accompanying rule text appeared in the Federal Register, 86 Fed. Reg. 66250, on November 22, 2021; the Delaware Register of Regulations, 25 Del. Reg. 548, 559, on December 1, 2021; the New Jersey Register, 53 N.J.R. 1994, on December 6, 2021; the New York Register on November 17, 2021, p. 2; and the Pennsylvania Bulletin, 51 Pa. B. 7471 on December 4, 2021.

Opportunity for public input on the proposed rules was provided during a comment period that ran from October 28, 2021, through February 28, 2022. In addition to accepting written comments, the Commission accepted oral comment at five hearings conducted via Zoom and telephone. The fifth hearing included toll-free telephone access and real-time English-to-Spanish and Spanish-to-English professional translation, which allowed attendees to listen and participate in either English or Spanish. The Commission received a total of 2,461 public comment submissions, consisting of 2,388 in writing and 73 oral comments. Notably, in many cases, a single written submission consisted of comments with multiple signatories or parts, and many similar or identical comments were separately submitted by multiple commenters using form letters or template language provided by organizations.

The Commission reviewed the statements, consultant reports, scientific literature and other materials submitted by commenters. The staff, in consultation with the Commissioners, prepared a Comment and Response Document summarizing the comments on the proposed rule and setting forth the Commission’s responses and revisions in detail. By Resolution No. 2022 – 04 on December 7, 2022, the Commission adopted the Comment and Response Document simultaneously with its adoption of the final rule.

Final Rule

The elements of the Commission’s final rule are summarized below.

Water Code. With respect to imports and exports of water into and from the Delaware River Basin, the Commission in its proposed and final rule reaffirms and expands on findings and policies it previously added to the Water Code (at Section 2.30) and Comprehensive Plan by Resolution No. 1991-9 in June of 1991. The December 2022 amendments restate and provide for the implementation of these policies with greater specificity.

Special Regulations—High Volume Hydraulic Fracturing. The final amendments to the Special Regulations at 18 CFR part 440 include as proposed a new Section 440.4(a) comprising the Commission’s determination that “[t]he discharge of wastewater from HVHF and HVHF-related activities poses significant, immediate and long-term risks to the development, conservation, utilization, management, and preservation of the basin’s water resources” and further, that “[c]ontrolling future pollution by prohibiting discharges of wastewater from HVHF and HVHF-related activities to waters or land within the basin is required to effectuate the Comprehensive Plan, avoid injury to the waters of the basin as contemplated by the Comprehensive Plan, and protect the public health and preserve the waters of the basin for uses in accordance with the Comprehensive Plan.” The final amendments at new Section 440.4(b) prohibit the discharge of wastewater from high volume hydraulic fracturing and HVHF-related activities (hereinafter “HVHF wastewater”) to waters or land within the basin.

Water Quality Regulations. The amendments to the Commission’s Water Quality Regulations, consisting of a new Section 4.50, facilitate the implementation in state-issued permits of the prohibition set forth in the Special Regulations at 18 CFR 440.4.

Incorporation by Reference. The final rule incorporates by reference into the Code of Federal Regulations at 18 CFR part 410 the Commission’s Water Quality Regulations and the Delaware River Basin Water Code as amended by the Commission on December 7, 2022.

Changes From the Proposed Rule

Water Code. After careful consideration of the comments received, the Commission revised its proposed amendments to Section 2.30 of the Delaware River Basin Water Code (the “Water Code”) concerning the exportation of wastewater to better align these aspects of the rule with the Commission’s policies for water conservation and pollution prevention.

The language originally proposed at Section 2.30.2 C.3 of the Water Code would have allowed the Commission to approve any exportation of wastewater, subject to an evaluation of factors designed to ensure no harm to the basin’s water resources or the health and safety of the basin community. Many commenters were concerned that this exception was too broad. Upon further consideration, the Commission agrees. It concluded that to consider and, subject to an evaluation of the factors set forth at Section 2.30.3, approve any exportation of wastewater risks undercutting the conservation objectives served by limiting exportations

of basin water in accordance with the introductory paragraph and paragraphs 1. and 2. of Section 2.30.2 C. of the proposed, now final, amendments. Accordingly, the final language of section 2.30.2 C.3 narrows the circumstances in which the Commission may approve an exportation of wastewater to instances in which the project sponsor demonstrates either (i) that the wastewater is to be conveyed to a straddled or adjacent public wastewater collection system; or (ii) that the wastewater may not lawfully be discharged to a public wastewater collection system and is being exported to a waste management facility that has all state and federal approvals required to lawfully receive it.

Thus, the final rule subjects proposed exportations of wastewater to limitations that are consistent with those applicable to exportations of water generally. Because water and wastewater service areas often straddle basin boundaries, the final rule also ensures that straddled and adjacent wastewater collection systems, including for both sewered and hauled septage, may continue to operate, and if necessary, expand, normally. And it recognizes that in the interest of preserving water quality, state-permitted facilities and federal-permitted facilities for the proper treatment and disposal of difficult-to-treat wastewater that may be located outside the basin must remain available to wastewater generators within the basin.

To clarify the changes to Section 2.30.2 C.3 of the Water Code, Section 2.30.1 of the final rule includes definitions of “Public wastewater collection system,” “Adjacent public wastewater collection system,” and “Straddled public wastewater collection system” that were not included in the proposed rule. The definitions are designed to parallel those previously proposed for “Public water system,” “Adjacent public water system,” and “Straddled public water system,” respectively.

The final rule includes additional non-substantive changes in two sections. Language in Section 2.30.1 A., defining “Adjacent public water system,” was revised for greater stylistic consistency and clarity. The wording of Section 2.30.2 C.2. was changed slightly to make clear that any exportation under that provision must be for the purpose of meeting public health and safety needs of the receiving system regardless of whether the exportation is intended to be temporary, short-term, or in response to an emergency.

Special Regulations—High Volume Hydraulic Fracturing. The final rule in § 440.2 includes a new defined term, “Discharge of wastewater from HVHF and HVHF-related activities,” to make the meaning of the rules more explicit. In the same section, the definition of “Wastewater from HVHF and HVHF-related activities” was altered by the addition of two words. The words “or” and “containing” were inserted in subsection (1) of the definition to clarify that the definition refers to wastewater, brine, or sludge containing (as opposed to constituting) the various listed contaminants. Additional non-substantive changes were made to conform proposed rule text in § 440.2 to Code of Federal Regulations standards.

Water Quality Regulations. The final rule includes no changes from the amendments proposed to the Water Quality Regulations.

Activities Prohibited and Activities not Regulated by the Final Rule

Many commenters urged the Commission to prohibit activities that were prohibited by the language of the rule as proposed and are now prohibited by the final rule at 18 CFR 440.4. The final rule at Section 440.4(b) prohibits the discharge of wastewater “from high volume hydraulic fracturing and HVHF-related activities to waters or land within the basin.” The terms “HVHF-related activities” and “wastewater from HVHF and HVHF-related activities” are defined in detail in Section 440.2. Activities about which multiple commenters expressed concern and that are *prohibited by the final rule* include (but are not necessarily limited to) the following:

- discharge of HVHF wastewater to waters or land within the basin;
- road spreading of HVHF wastewater;
- injection of HVHF wastewater into deep wells within the basin;
- disposal of HVHF wastewater in basin landfills;
- discharge of leachate from any landfill in the basin that accepts HVHF waste after the effective date of the final regulations, including after treatment at an onsite or off-site leachate or wastewater treatment plant; and
- spills and leaks during transport, transfer, or storage of HVHF wastewater within the basin if not fully captured by a containment system in place throughout the duration of the spill or leak and thereafter promptly removed or remediated.

Other commenters urged the Commission to prohibit activities that are beyond the scope of the proposed rule. As explained in detail in the Commission’s Comment and Response document, *the final rule does not*:

- regulate air emissions from HVHF activities;
- categorically prohibit the transfer of HVHF wastewater into the basin when no resulting discharge is proposed;
- regulate the transportation and storage of HVHF materials, which are

regulated under detailed state and federal programs focused on these activities;

- categorically prohibit the transfer of water from the basin if it would be used to support HVHF (or any other specified activity). However, the rule does limit the circumstances under which transfers of water from the basin will be considered and provides for an evaluation of such proposals based on factors designed to ensure no harm to the basin’s water resources or the health and safety of the basin community; or
- prohibit road spreading of wastewater from conventional drilling activities, an activity not within the scope of DRBC’s proposed rulemaking. The Commission will continue to coordinate with the basin states to review the scientific evidence regarding harm to water resources caused by road spreading of conventional oil and gas production wastewater and may in the future consider whether additional regulation of the practice is needed in the basin.

Additional Materials

Additional materials can be found on the Commission’s website, www.drbc.gov, at https://www.nj.gov/drbc/about/regulations/final-rule_import-export-hvhf-discharge.html. These include links to Resolution No. 2022 – 04 of December 7, 2022 adopting the final rule; the Commission’s Comment and Response Document; mark-ups comparing the final to the proposed rule text for Section 2.30 of the Water Code and for the Commission’s Special Regulations at 18 CFR part 440; mark-ups comparing the amended to the existing rule text for 18 CFR part 440 and the Commission’s Water Quality Regulations; and clean drafts of the amended and existing Section 2.30 of the Water Code for comparison.

The Commission’s notice of proposed rulemaking, proposed rule text, written comments received, and transcripts of public hearings can be found on the DRBC website at https://www.state.nj.us/drbc/meetings/proposed/notice_import-export-rules.html.

Pamela M. Bush,

Commission Secretary and Assistant General Counsel.

Dated: December 13, 2022

For the reasons set forth in the preamble, effective thirty days after publication in the Federal Register, the Commission’s rule adoption amends Subchapters B, E, and F of Chapter XVIII of the Codes, Rules and Regulations of the State of New York as set forth below:

Part 861

APPLICATION OF STANDARDS (ARTICLE 4)

(Statutory Authority: Delaware River Basin Compact, United States Public Law 87-328, Approved September 27, 1961, 75 U.S. Statutes at Large 688; New York Laws of 1961, Chapter 148, Approved March 17, 1961, § 14.2)

[Chapter XVIII, Title 21, Part 861, Section 861.28 is amended by the addition of the text as set forth below.]

§ 861.28 Wastewater from High Volume Hydraulic Fracturing and Related Activities.

The provisions of Section 899.4 and the purpose and definitions applicable thereto, encompassing Sections 899.1 and 899.2, are hereby incorporated into these Water Quality Regulations.

[Chapter XVIII, Title 21, Part 861, existing Sections 861.28–33 are hereby amended by renumbering each section as Sections 861.29–34, respectively, as set forth below. Asterisks represent no change to existing text.]

§ 861.[28]29 Scope.***

§ 861.[29]30 Abatement schedules and permits.

* * * * *

§ 861.[30]31 Waste load allocations.***

* * * * *

§ 861.[31]32 Inspection and surveillance.

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§ 861.[32]33 Noncompliance; notice.

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§ 861.[33]34 Order of abatement; sanctions.***

Part 890

IMPORTATIONS AND EXPORTATIONS OF WATER, INCLUDING WASTEWATER

(Statutory Authority: Delaware River Basin Compact, United States Public Law 87-328, Approved September 27, 1961, 75 U.S. Statutes at Large 688; New York Laws of 1961, Chapter 148, Approved March 17, 1961, § 14.2)

[Chapter XVIII, Title 21, Part 890, Sections 890.35–43 are hereby repealed and replaced with the text as set forth below.]

§ 890.35 Definitions:

(a) “Adjacent public water system” means a public water system (as defined herein) located outside the Delaware River Basin that has a service area directly bordering the service area of a public water system located in whole or in part within the Basin.

(b) “Adjacent public wastewater collection system” means a public wastewater collection system (as defined herein) located outside the Delaware River Basin that has a service area directly bordering the service area of a public wastewater collection system located in whole or in part within the Basin.

(c) “Basin water” (also, “waters of the Basin”) means water in, on, under or above the ground within the Delaware River Basin. “Basin water” includes wastewater.

(d) “Delaware River Basin” (or “Basin”) has the meaning assigned to it by Section 1.2(a) of the Delaware River Basin Compact – the area of drainage into the Delaware River and its tributaries, including Delaware Bay.

(e) “Exportation” means the conveyance, transfer, or diversion of Basin water from a source within the Delaware River Basin to a location outside the Basin without return of such water to the Basin. Exportations from the Basin of consumer goods or foods that have been manufactured, bottled, packaged, or processed using Basin water are not considered “exportations” for purposes of this rule.

(f) “Importation” means the conveyance, transfer, or diversion of water, including wastewater, into the Delaware River Basin from a source outside the Basin, resulting in a discharge of the imported water to land or water within the Basin, with or without prior treatment.

(g) “Public water system” means a system primarily for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals. A “public water system” may be publicly or privately owned.

(h) “Public wastewater collection system” means a system with all required state and federal approvals that serves more than 250 people or conveys more than 25,000 gallons of wastewater per day and is primarily for the collection and conveyance of domestic sewage from private, commercial, institutional, or industrial sources, to a treatment system with all necessary state and federal approvals. A “public wastewater collection system” may be publicly or privately owned.

(i) “Straddled public water system” means a public water system that serves an area partially within and partially outside of the Delaware River Basin.

(j) “Straddled public wastewater collection system” means a public wastewater collection system that serves an area partially within and partially outside of the Delaware River Basin.

(k) “Wastewater” means water that is stored, transported or discharged after use, including, but not limited to, any water for which a National Pollutant Discharge Elimination System (NPDES) permit under the federal Clean Water Act or any state or DRBC approval is required before the water can lawfully be discharged to waters or land within the Basin.

§ 890.36 Protection and Preservation

(a) The waters of the Delaware River Basin are limited in quantity, and the Basin is frequently subject to drought warnings, drought declarations, and drought operations due to limited water supply storage and streamflow during dry periods. In addition, portions of the Basin have been delineated by the Commission as groundwater protected areas due to water shortages. Therefore, it is the policy of the Commission to promote the conservation and preservation of water and related natural resources, including aquatic ecosystems, and effectuate the Comprehensive Plan and the uses of the water resources of the Basin identified therein, by discouraging, limiting, or placing conditions on the exportation of Basin water as may be required to protect the health and safety of Basin residents, aquatic ecosystems and the uses of water identified in the Compact and Comprehensive Plan.

(b) The Commission shall review a proposed new exportation of Basin water, including any proposed increase in the rate or volume of an existing exportation, and may impose conditions, obligations and release requirements related thereto, pursuant to Sections 3.3, 3.8, 5.2, 10.3, 10.4 and Article 11 of the Compact and the regulations and docket approvals implementing these provisions.

(c) A proposed new exportation of Basin water that is subject to review under the Compact and implementing regulations, including any proposed increase in the rate or volume of an existing exportation, may be approved by the Commission after consideration of the factors set forth at Section 890.37 below, if:

(1) the sponsor demonstrates that the exportation of Basin water is required to serve a straddled or adjacent public water system;

(2) the sponsor demonstrates that the exportation of Basin water is required to meet public health and safety needs on a temporary, short-term, or emergency basis; or

(3) the sponsor is proposing an exportation of wastewater and

demonstrates either (i) that the wastewater is being conveyed to a straddled or adjacent public wastewater collection system; or (ii) that the wastewater may not lawfully be discharged to a public wastewater collection system and is being exported for treatment, disposal or both at a waste management facility that has all required state and federal approvals to lawfully receive it.

(d) Basin waters have limited capacity to assimilate pollutants without significant impacts to the health and safety of Basin residents, the health and functioning of aquatic ecosystems in the Basin, and the effectuation of the Comprehensive Plan. Accordingly, it is the policy of the Commission to discourage, limit, or condition the importation of wastewater into the Delaware River Basin as necessary to avoid impairment of Basin waters. A proposed new importation of water, including any proposed increase in the rate or volume of an existing importation, shall be reviewed by the Commission consistent with the factors set forth at Section 890.37 below.

(e) Sections 890.35–42 shall not apply to importations and exportations of water, including wastewater, that existed prior to enactment of the Compact or that were approved by the DRBC prior to December 7, 2022.

§ 890.37 Commission Considerations

In evaluating importations and exportations, the Commission’s review will include consideration of the following factors:

(a) For exportations of Basin water (including wastewater):

(1) the effect of the exportation on the health and safety of the Basin community;

(2) the effect of the exportation on existing or future water availability or shortages, including, but not limited to, sources within areas designated by the Commission as protected areas pursuant to Section 10.2 of the Compact, sources within Delaware River reaches with flows that are frequently augmented by reservoir releases due to low flows, and sources in areas subject to DRBC drought operations or state drought declarations within the past five years;

(3) the effect of the exportation on aquatic ecosystems;

(4) the effect of the exportation on water quality and waste assimilation;

(5) the effect of the exportation on salinity concentrations;

(6) the effect of the exportation on the water uses protected by the Comprehensive Plan, DRBC regulations or DRBC docket approvals, or on the ability of DRBC to effectuate the Comprehensive Plan;

(7) the effect of the exportation, including its volume, rate, timing and duration, on passby or instream flow requirements contained in DRBC regulations or project approvals;

(8) the sponsor’s planned use for the water and any resulting public benefits;

(9) the availability to the sponsor of alternatives to the exportation of Basin water and whether these alternatives have been diligently pursued, including without limitation a review of the sponsor’s uses of water outside the sponsor’s service area, if any; conservation measures undertaken by the sponsor or a public water system in the service area where the sponsor is located to forestall the need for a transfer of Basin water; and the results of a water audit (or audits) performed by the sponsor in accordance with Section 890.7-a; and

(10) whether the exportation would contravene sections 3.3 and 3.5(a) of the Compact by impeding or interfering with the rights, powers, privileges, conditions or obligations contained in the Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995 (1954), as modified by the Commission with the unanimous consent of the parties to the Decree.

(b) For importations of water (including wastewater):

(1) the effect of the importation on the health and safety of the Basin community with due consideration of the available alternatives to the importation;

(2) the characterization and treatability of the water, if it consists of wastewater;

(3) the potential impacts on water resources of the Delaware River Basin of the proposed importation and of each available alternative, including alternatives that avoid an importation of water, including wastewater. The potential impacts considered will include the effects of the quality, volume, flow rate, timing and duration of the proposed importation in relation to:

(i) flow objectives or passing or instream flow requirements contained in DRBC regulations or project approvals;

(ii) the record of hydrologic conditions in the proposed receiving region and the larger Delaware River Basin;

(iii) water uses as established by the Comprehensive Plan, including the DRBC Water Code;

(iv) the effect of the importation on aquatic ecosystems;

(v) water quality and waste assimilation capacity in the affected receiving streams; and

(vi) prior regulations or orders of the Commission which may be identified during the course of the Commission’s review.

§ 890.38 Analyses by Applicant for Section 3.8 Approval

When an importation or exportation of water or wastewater is subject to review by the Commission, the applicant shall furnish the Commission with such analyses of the factors set forth in Sections 890.36 and 890.37 and as the Commission may direct.

§ 890.39 Water Charges

Exportation of Basin water constitutes consumptive water use and will be subject to the water charges in effect at the time of transfer in accordance with Subchapter D of this Chapter, as amended.

§ 890.40 Wastewater Treatment Requirements

It is the policy of the Commission to give no credit toward meeting wastewater treatment requirements for importations of wastewater. An effluent loading or concentration authorized in accordance with a water-quality-based effluent limit such as a wasteload allocation may not include loadings attributable to an importation of wastewater.

§ 890.41 Existing Allocations

It is the policy of the Commission to charge all exportations of Basin water against any special regional allocation or any depletive use allocation as may exist at the time of receipt of a completed application for exportation.

§ 890.42 1954 Supreme Court Decree

Sections 890.35–42 are intended to preserve the diversions, compensating releases, rights, conditions, and obligations of the parties to the U.S. Supreme Court Decree of 1954 in *New Jersey v. New York*, 347 U.S. 995 (1954), as modified by the Commission with the unanimous consent of the parties to the Decree.

Part 899

HIGH VOLUME HYDRAULIC FRACTURING

(Statutory Authority: Delaware River Basin Compact, United States Public Law 87-328, Approved September 27, 1961, 75 U.S. Statutes at Large 688; New York Laws of 1961, Chapter 148, Approved March 17, 1961, § 14.2)

[Chapter XVIII, Title 21, Part 899, Section 899.1 is amended by the revision of the text as set forth below. Asterisks represent no change to existing text.]

§ 899.1 Purpose, authority, and relationship to other requirements.

* * * * *

(d) Relationship to other Commission requirements. The provisions of this part are in addition to all applicable requirements in other Commission regulations[in this chapter], dockets[and], permits, and determinations.

* * * * *

[Chapter XVIII, Title 21, Part 899, Section 899.2 is amended by (i) the revision of the introductory paragraph as set forth below, (ii) the insertion in alphabetical order of the defined terms “Discharge of wastewater from HVHF and HVHF-related activities,” “HVHF-related activities,” and “Wastewater from HVHF and HVHF-related activities,” and (iii) the revision of the defined term “Water resource(s),” as set forth below. Asterisks represent no change to existing text.]

§ 899.2 Definitions.

For purposes of this part, the following terms and phrases have the meanings provided. Some definitions differ from those provided in regulations of one or more agencies of the Commission’s member states and the Federal Government. Other definitions are consistent with terms defined by the Delaware River Basin Compact.

* * * * *

(c) Discharge of wastewater from HVHF and HVHF-related activities is an intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying, spreading, spraying, injecting, leaching, dumping, or disposing of such wastewater to waters or land within the Basin, and including the abandonment or discarding of barrels, containers, and other receptacles containing such wastewater.

* * * * *

(f) HVHF-related activities are:

(1) Construction of an oil or natural gas production well that is to be stimulated using HVHF as defined in this section;

(2) Chemical mixing or storage of proppant, chemicals and other additives to make fracturing fluid; and

(3) Management of wastewater from hydraulic fracturing, including storage, disposal, treatment, or reuse in hydraulic fracturing operations or other uses.

* * * * *

(i) Wastewater from HVHF and HVHF-related activities is:

(1) Any wastewater, brine, or sludge containing chemicals, naturally occurring radioactive materials, heavy metals or other contaminants that have been used for or generated by high volume hydraulic fracturing or HVHF-related activities;

(2) Leachate from solid wastes associated with HVHF-related activities, except if the solid wastes were lawfully disposed of in a landfill within the Basin prior to [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN FEDERAL REGISTER]; and

(3) Any products, co-products, byproducts or waste products resulting from the treatment, processing or modification of the wastewater described in paragraphs (1) and (2) of this definition.

[(g)](j) Water resource(s) is, in accordance with section 1.2(i) of the Delaware River Basin Compact, “water and related natural resources in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership or control” within the [hydrologic boundary of the] Delaware River Basin.

[Chapter XVIII, Title 21, Part 899 is amended by the addition of Section 899.4 as set forth below.]

§ 899.4 Wastewater from high volume hydraulic fracturing and related activities.

(a) Determination. The Commission has determined that the discharge of wastewater from high volume hydraulic fracturing and HVHF-related activities poses significant, immediate and long-term risks to the development, conservation, utilization, management, and preservation of the Basin’s water resources. Controlling future pollution by prohibiting such discharge is required to effectuate the Comprehensive Plan, avoid injury to the waters of the Basin as contemplated by the Comprehensive Plan and protect the public health and preserve the waters of the Basin for uses in accordance with the Comprehensive Plan.

(b) Prohibition. No person may discharge wastewater from high volume hydraulic fracturing or HVHF-related activities to waters or land within the Basin.

Education Department

EMERGENCY RULE MAKING

Restarting the Accountability System Using 2021-2022 School Year Results

I.D. No. EDU-42-22-00006-E

Filing No. 6

Filing Date: 2023-01-02

Effective Date: 2023-01-02

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

Action taken: Amendment of sections 100.19 and 100.21 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 112, 207, 210, 215, 305, 309, 3713; Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802)

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

Specific reasons underlying the finding of necessity: In August 2022, the Department submitted an Every Student Succeeds Act (ESSA) Accountability State Plan Addendum to the United States Department of Education (USDE) on behalf of all Local Education Agencies (LEAs) in New York State seeking amendments to the State approved Consolidated State Plan in the 2021–2022 school year. The ESSA Accountability State Plan Addendum addresses areas in the Consolidated State Plan that would minimize the use of school year data most impacted by the COVID-19 pandemic, specifically the 2019–2020 and 2020–2021 school years. USDE approved the ESSA Accountability State Plan Addendum, which would amend the New York State consolidated State plan for the 2021–2022 school year only (i.e., amendments that will impact only accountability determinations based on data from the 2021–2022 school year and school identifications and status exits in fall 2022).

As a result, it is necessary for the Department to adopt emergency regulations to be consistent with the plan addendum approval granted by USDE. The approval of the ESSA Accountability State Plan Addendum

provides a one-year model that would restart the accountability system for New York State using data from the 2021–2022 school year.

The proposed amendment was presented to the P-12 Education Committee for recommendation to the Full Board for adoption as an emergency rule at the October 2022 meeting of the Board of Regents, effective October 4, 2022. Because the Board of Regents meets at scheduled intervals, the earliest the proposed amendment could be presented for regular (nonemergency) adoption, after publication in the State Register and expiration of the 60-day public comment period required in the SAPA sections 201(1) and (5), is the February 2023 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earlier effective date of the proposed rule, if adopted at the January meeting, would be March 1, 2023, the date the Notice of Adoption would be published in the State Register.

However, the emergency rule will expire on January 1, 2023. Therefore, a second emergency action is necessary at the December 2022 meeting, effective January 2, 2022 for the preservation of the general welfare in order to immediately align the Commissioner’s regulations with the Department’s ESSA Accountability State Plan Addendum.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the February 2023 Regents meeting, which is the first scheduled meeting after the 60-day public comment period prescribed in SAPA for State agency rulemakings.

Subject: Restarting the Accountability System Using 2021-2022 School Year Results.

Purpose: To align the Commissioner’s regulations with approved state plan addendum and with provisions related to restart of the accountability system.

Substance of emergency rule (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices>): On September 26, 2022, USDE approved amendments to the New York State Consolidated State Plan under the ESEA for the 2021–2022 school year.

To align with the approved state plan addendum and with provisions related to the restart of the accountability system, the Department is proposing emergency regulatory amendments as follows:

Accountability:

- Section 100.21 of the Commissioner’s regulations is amended to provide that the Commissioner shall conduct the review of school and district performance for the 2022–2023 school year based on 2021–2022 school year results using modified procedures as specified in the new subdivision (n) added to this section. The Commissioner may also, upon finding of good cause, modify from the 2019–2020 through 2023–2024 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by this section.

- New subdivision (n) of section 100.21 of the Commissioner’s regulations describes the modified procedures for the review of school and district performance for the 2022–2023 school year using 2021–2022 school year results as follows:

- o For all indicators except for determining the progress of English language learners towards English Language Proficiency (ELP) and Graduation Rate, accountability determinations will be based on 2021–2022 school year results only. Prior year data will not be used to make determinations. For the ELP indicator, a student’s results in the 2021–2022 school year on the New York State English as a Second Language Achievement Test (NYSESLAT) will be compared to their NYSESLAT results from prior years. The Graduation Rate indicator will be based on lagged 2020-2021 Graduation Rates so that students who graduated in August 2021 can also be included in the indicator.

- o The student growth in English language arts (ELA) and mathematics; academic progress; and College, Career, and Civic Readiness indicators, which require the use of prior year data, will not be used to assign accountability levels and will not be used to make accountability determinations based on 2021–2022 school year results.

- o In order to use results from the 2021–2022 school year only, accountability levels for the Graduation Rate and Chronic Absenteeism indicator will be assigned based on percentile rank rather than performance in relation to state goals and Measures of Interim Progress (MIPs).

- o A new high school Core Subject Performance Index based only on those students who have participated in Regents Examinations, Department-approved alternative assessments, and the New York State Alternate Assessment (NYSAA) will be used. This is intended to take into account that many students have received exemptions from graduation requirements.

- o The accountability measures for elementary and middle schools will be Academic Achievement in ELA, mathematics, and science; Chronic Absenteeism; and progress towards and acquisition of English Language Proficiency by English language learners. At the high school level, the accountability measures will be Academic Achievement in ELA, mathematics, science, and social studies; unweighted average of 4, 5, and 6-year Graduation Rates; Chronic Absenteeism; and progress towards and acquisition of English Language Proficiency by English language learners.

- o Academic Achievement at the elementary/middle and high school levels will be measured based on:

- the federally mandated methodology in which the denominator is the greater of the number of tested students or 95% of those students (i.e., Weighted Average Achievement Index) for elementary/middle schools.

- the count of the “all students” subgroup in the accountability cohort for high schools (i.e., high school Weighted Average Achievement Index).

- at both the elementary/middle and high school levels the results from only those students who participated in State assessments (i.e., the Core Subject Performance Index).

- o The “scenario tables” used to identify schools for CSI, ATSI, and TSI have been modified. New York State is still required to identify a minimum of 5% of the State’s schools that receive Title I funds for CSI. For accountability determinations, only subgroups that were identified for Potential Targeted Support and Improvement (PTSI) based on 2018-2019 school year results will be eligible to be newly identified for TSI using 2021-2022 school year results. The revised scenario tables are presented below:

Elementary and Middle School Scenario Table

Scenarios	Weighted	Core	ELP	Chronic Absenteeism
1	Both Level 1		Any Level (None, 1-4)	
2	Level 2	Level 1	Both NOT Level 3 or 4	
3	Level 1	None	Both NOT Level 3 or 4	
4	Level 1	Level 2	Both NOT Level 3 or 4	
5	Level 3	Level 1	Both NOT Level 3 or 4	
6	Level 1	Level 3	Both NOT Level 3 or 4	

High School Scenario Table

Scenarios	Weighted	Core	Grad Rate	ELP	Chronic Absenteeism
1	Both Level 1		Level 1	Any Level (None, 1-4)	
2	Level 2	Level 1	Level 1	Both Not Level 3 or 4	
3	Level 1	None	Level 1	Both Not Level 3 or 4	
4	Level 1	Level 2	Level 1	Both Not Level 3 or 4	
5	Both Level 1		Level 2	Both Not Level 3 or 4	
6	Level 1	Level 2	Level 2	Both Not Level 3 or 4	
7	Level 2	Level 1	Level 2	Both Not Level 3 or 4	

- o Schools previously identified for CSI that are not identified for CSI using the revised identification criteria and meet the modified exit criteria may exit identification status. Schools previously identified for ATSI that are not identified using the revised TSI identification criteria and meet modified ATSI exit criteria may exit identification status. The modified exit criteria are as follows:

- Weighted Average Achievement Index or Core Subject Performance Index is higher than at the time of identification (2017–2018 school year).

- Graduation Rate (unweighted average of 4,5, and 6-year graduation rates) is higher than at the time of identification (2017–2018 school year).

- o Schools previously identified for TSI that do not meet the revised TSI identification criteria may exit identification status.

- o Districts that have one or more schools identified for CSI, ATSI, or TSI will continue to be identified as Target Districts. Districts that had been identified as Target Districts solely for the districtwide performance of accountability groups will be removed from that designation. Districts that have subgroups at the district level that meet the criteria for identification for CSI and/or TSI based on 2021–2022 school year results will become Potential Target Districts. If the district has a subgroup that meets the criteria for identification for a second consecutive year based on 2022–2023 school year results, the district will become a Target District for districtwide performance.

- o A new subdivision (o) is added to section 100.21 of the Commissioner’s regulations to modify the following definitions to align with the definitions under the ESEA: “CSI School(s)” and “school(s) identified as CSI” to “school(s) identified for Comprehensive Support and Improvement (or CSI)”; “ATSI school(s)” and “school(s) identified as ATSI” to “school(s) identified for Additional Targeted Support and Improvement (or ATSI)”; “TSI School(s)” and “school(s) identified as TSI” to “school(s)

identified for Targeted Support and Improvement (or TSI)”; and Good Standing School(s) and schools identified as Good Standing shall hereafter be referred to in this Part as “school(s) identified for Local Support and Improvement (or LSI).”

Receivership:

• Section 100.19 of the Commissioner’s regulations is amended to provide that: (1) the Commissioner shall not use 2021–2022 school year results to newly identify any schools as struggling or place any schools under independent receivership for the 2022–2023 school year; and (2) all schools that operated under a school district superintendent receiver in the 2021–2022 school year shall continue to operate under a school district superintendent receiver in the 2022–2023 school year. Consistent with current regulations, schools that are removed from CSI status based on 2021–2022 school year data shall be removed from receivership at the end of the 2022–2023 school year.

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. EDU-42-22-00006-EP, Issue of October 19, 2022. The emergency rule will expire March 2, 2023.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, NYS Education Department, Office of Counsel, 89 Washington Avenue, Room 112 EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Summary of Regulatory Impact Statement (Full text is posted at the following State website: <http://www.counsel.nysed.gov/rules/full-text-indices/>):

1. STATUTORY AUTHORITY:

Education Law § 101 continues existence of Education Department, with Board of Regents as its head, and authorizes Regents to appoint Commissioner of Education as Department’s Chief Administrative Officer, which is charged with general management and supervision of all public schools and educational work of State.

Education Law § 112(1) authorizes Commissioner to require schools and school districts to facilitate the prompt enrollment of children who are released or conditionally released from residential facilities.

Education Law § 207 empowers Regents and Commissioner to adopt rules and regulations to carry out State education laws and functions and duties conferred on the Department.

Education Law § 210 authorizes Regents to register domestic and foreign institutions in terms of State standards, and fix the value of degrees, diplomas and certificates issued by institutions of other states or countries and presented for entrance to schools, colleges and professions in the State.

Education Law § 215 authorizes Commissioner to require schools and school districts to submit reports containing such information as Commissioner shall prescribe.

Education Law § 305(1) and (2) provide Commissioner, as chief executive officer of the State’s education system, with general supervision over all schools and institutions subject to the Education Law, or any statute relating to education, and responsibility for executing all educational policies of the Regents.

Education Law § 305(20) provides Commissioner shall have such further powers and duties as charged by the Regents.

Education Law § 309 charges Commissioner with general supervision of boards of education and their management and conduct of all departments of instruction.

Education Law § 3713(1) and (2) authorize State and school districts to accept federal law making appropriations for educational purposes and authorize Commissioner to cooperate with federal agencies to implement such law.

The Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA) of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

2. LEGISLATIVE OBJECTIVES:

The proposed rule is consistent with the above statutory authority and is necessary to align the Commissioner’s regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum.

3. NEEDS AND BENEFITS:

On September 26, 2022, USDE approved amendments to the New York State Consolidated State Plan under the ESEA for the 2021–2022 school year.

To align with the approved state plan addendum and with provisions related to the restart of the accountability system, the Department is proposing emergency regulatory amendments as follows:

Accountability:

• Section 100.21 of the Commissioner’s regulations is amended to provide that the Commissioner shall conduct the review of school and district performance for the 2022–2023 school year based on 2021–2022 school year results using modified procedures as specified in the new

subdivision (n) added to this section. The Commissioner may also, upon finding of good cause, modify from the 2019–2020 through 2023–2024 school years any timelines pertaining to notifications, plans, reports, or implementation of activities required by this section.

• New subdivision (n) of section 100.21 of the Commissioner’s regulations describes the modified procedures for the review of school and district performance for the 2022–2023 school year using 2021–2022 school year results.

• A new subdivision (o) is added to section 100.21 of the Commissioner’s regulations to modify the following definitions to align with the definitions under the ESEA: “CSI School(s)” and “school(s) identified as CSI” to “school(s) identified for Comprehensive Support and Improvement (or CSI)”; “ATSI school(s)” and “school(s) identified as ATSI” to “school(s) identified for Additional Targeted Support and Improvement (or ATSI)”; “TSI School(s)” and “school(s) identified as TSI” to “school(s) identified for Targeted Support and Improvement (or TSI)”; and Good Standing School(s) and schools identified as Good Standing shall hereafter be referred to in this Part as “school(s) identified for Local Support and Improvement (or LSI).”

Receivership:

• Section 100.19 of the Commissioner’s regulations is amended to provide that: (1) the Commissioner shall not use 2021–2022 school year results to newly identify any schools as struggling or place any schools under independent receivership for the 2022–2023 school year; and (2) all schools that operated under a school district superintendent receiver in the 2021–2022 school year shall continue to operate under a school district superintendent receiver in the 2022–2023 school year. Consistent with current regulations, schools that are removed from CSI status based on 2021–2022 school year data shall be removed from receivership at the end of the 2022–2023 school year.

For a more complete explanation please see the Regulatory Impact Statement posted here: <http://www.counsel.nysed.gov/rules/full-text-indices/>.

4. COSTS:

Cost to the State: The proposed rule does not generally impose any new costs beyond those consistent with the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

Costs to local government: The rule does not generally impose any new costs beyond those consistent with the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

Cost to private regulated parties: None.

Cost to regulating agency for implementation and continued administration of this rule: None.

5. LOCAL GOVERNMENT MANDATES:

Due to the COVID-19 pandemic USDE has been accepting requests to modify approved ESEA consolidated State plans based on results from the 2021–2022 school year. To amend accountability determinations based on results from the 2021–2022 school year and school identifications and status exits in fall 2022, states could submit to USDE a “2021–2022 Template for Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency” (ESSA Accountability State Plan Addendum). In response to USDE guidance and statutory requirements, the Department consulted with assessment experts, educational leaders, and stakeholders, and performed extensive modeling to develop an ESSA Accountability State Plan Addendum that was submitted to USDE on August 29, 2022. On September 26, 2022, USDE approved amendments to the New York State Consolidated State Plan under the ESEA for the 2021–2022 school year. The rule is necessary to align the Commissioner’s regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum.

6. PAPERWORK:

The proposed rule generally contains paperwork requirements consistent with those in existing regulations and does not generally impose any new paperwork requirements beyond those consistent with the above statutory authority and ESSA.

7. DUPLICATION:

The rule does not duplicate existing State or federal regulations.

8. ALTERNATIVES:

The proposed rule is necessary to align the Commissioner’s regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum. Therefore, no alternatives were considered.

9. FEDERAL STANDARDS:

The rule is necessary to necessary to align the Commissioner’s regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum.

10. COMPLIANCE SCHEDULE:

It is anticipated that parties will be able to timely implement the rule's requirements beginning with its effective date.

Regulatory Flexibility Analysis

Small Businesses:

The proposed rule relates to public school and school district accountability and is necessary to align the Commissioner's regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum. The rule applies to public schools, school districts and charter schools that receive funding as LEAs pursuant to the ESSA, and does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed amendment that it does not affect small businesses, no further measures were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

Local Governments:

1. EFFECT OF RULE:

The rule applies to public schools, school districts and charter schools that receive funding as LEAs pursuant to the Elementary and Secondary Education Act of 1965, as amended.

2. COMPLIANCE REQUIREMENTS:

See the response to Question #3, Needs and Benefits in the full Regulatory Impact Statement available here: <http://www.counsel.nysed.gov/rulesandregs>

3. PROFESSIONAL SERVICES:

The rule imposes no additional professional service requirements.

4. COMPLIANCE COSTS:

The rule does not generally impose any new costs beyond those consistent with the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The rule imposes no technological requirements on school districts. Costs are discussed under the Compliance Costs section above.

6. MINIMIZING ADVERSE IMPACT:

Due to the COVID-19 pandemic USDE has been accepting requests to modify approved ESEA consolidated State plans based on results from the 2021-2022 school year. To amend accountability determinations based on results from the 2021-2022 school year and school identifications and status exits in fall 2022, states could submit to USDE a "2021-2022 Template for Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency" (ESSA Accountability State Plan Addendum). In response to USDE guidance and statutory requirements, the Department consulted with assessment experts, educational leaders, and stakeholders, and performed extensive modeling to develop an ESSA Accountability State Plan Addendum that was submitted to USDE on August 29, 2022. On September 26, 2022, USDE approved amendments to the New York State Consolidated State Plan under the ESEA for the 2021-2022 school year. The proposed rule is necessary to align Commissioner's regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum. The proposed rule will not have an adverse economic impact on local governments.

7. LOCAL GOVERNMENT PARTICIPATION:

Copies of the proposed rule were provided to school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, and from charter schools.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to public schools, school districts and charter schools that receive funding as LEAs pursuant to the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA), including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The rule is necessary to align the Commissioner's regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum. For a more complete explanation please see the Regulatory Impact Statement posted here: <http://www.counsel.nysed.gov/rulesandregs>

3. COSTS:

The proposed rule does not generally impose any new costs beyond those consistent with the provisions of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act of 2015, 20 U.S.C. sections 6301 et seq. (Public Law 114-95, 129 STAT. 1802).

4. MINIMIZING ADVERSE IMPACT:

Due to the COVID-19 pandemic USDE has been accepting requests to

modify approved ESEA consolidated State plans based on results from the 2021-2022 school year. To amend accountability determinations based on results from the 2021-2022 school year and school identifications and status exits in fall 2022, states could submit to USDE a "2021-2022 Template for Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency" (ESSA Accountability State Plan Addendum). In response to USDE guidance and statutory requirements, the Department consulted with assessment experts, educational leaders, and stakeholders, and performed extensive modeling to develop an ESSA Accountability State Plan Addendum that was submitted to USDE on August 29, 2022. On September 26, 2022, USDE approved amendments to the New York State Consolidated State Plan under the ESEA for the 2021-2022 school year. The proposed rule is necessary to align Commissioner's regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum. The proposed rule will not have an adverse economic impact on regulated parties, including those located in rural areas.

5. RURAL AREA PARTICIPATION:

Copies of the proposed rule were provided to school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, and from charter schools, including those located in rural areas.

Job Impact Statement

The proposed rule relates to public school and school district accountability and is necessary to align the Commissioner's regulations with the approved 2021-2022 ESSA Accountability State Plan Addendum. The rule applies to public schools, school districts and charter schools that receive funding as LEAs pursuant to the ESSA, and does not impose any adverse economic impact, reporting, record keeping or any other compliance requirements on small businesses. Because it is evident from the nature of the proposed rule that it will have no impact, on jobs or employment opportunities, no further steps were needed to ascertain those facts and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

EMERGENCY RULE MAKING

Practice of Registered Dental Assisting

I.D. No. EDU-42-22-00008-E

Filing No. 5

Filing Date: 2023-01-02

Effective Date: 2023-01-02

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

Action taken: Amendment of Part 61 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507, 6808; L. 2022, ch. 512; L. 2019, ch. 390

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

Specific reasons underlying the finding of necessity: The proposed rule is necessary to implement Chapter 512 of the Laws of 2022 (Chapter 512), which became effective August 17, 2022, and Chapter 390 of the Laws of 2019 (Chapter 390), which became effective October 23, 2019. This proposed rule conforms the Commissioner's regulations to Chapter 512, which amended the Education Law, to allow registered dental assistants to place and remove temporary restorations, and Chapter 390, which amended the Education Law, by creating the new legally protected title of "registered dental assistant" and eliminating the prior protected title of "certified dental assistant."

In 2020, a proposed amendment to § 29.2 of the Regents Rules and §§ 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Commissioner's regulations was permanently adopted to implement Chapter 390 by changing the references, in those sections, from "certified dental assistant" and "certified dental assisting" to "registered dental assistant" and "registered dental assisting." However, due to an inadvertent oversight, the proposed amendment did not change the Title of Part 61 of the Commissioner's regulations from "Dentistry, Dental Hygiene, and Certified Dental Assisting" to "Dentistry, Dental Hygiene, and Registered Dental Assisting." Accordingly, the proposed rule amends the Title of Part 61 of the Commissioner's regulations to "Dentistry, Dental Hygiene, and Registered Dental Assisting."

The proposed amendment was presented to the Professional Committee for recommendation to the Full Board for adoption as an emergency rule at the October 2022 meeting of the Board of Regents, effective October 4,

2022. Since the Board of Regents meets at fixed intervals, the earliest the proposed rule can be presented for adoption, after expiration of the required 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5), would be the February 2023 Regents meeting. Furthermore, pursuant to SAPA section 203(1), the earliest effective date for the proposed rule, if adopted at the February meeting, would be March 1, 2022, the date the Notice of Adoption would be published in the State Register. However, Chapter 520 became effective August 17, 2022 and Chapter 390 became effective October 23, 2019.

However, the emergency rule will expire on January 1, 2023. Therefore, a second emergency action is necessary at the December 2022 meeting for the preservation of the public health and general welfare in order to enable the State Education Department to timely implement the requirements of Chapter 512, which added the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform to assist a licensed dentist in the dentist’s performance of dental services, while under the direct personal supervision of the licensed dentist to help ensure the health, safety and welfare of the public by improving access to these types of dental services, and Chapter 390, which created the new legally protected title of “registered dental assistant” and eliminated the prior protected title of “certified dental assistant”, and to ensure that the emergency action taken at the October 2022 meeting remains continuously in effect until the rule can be permanently adopted.

It is anticipated that the proposed rule will be presented for adoption as a permanent rule at the February 2023 Regents meeting, which is the first scheduled meeting after the expiration of the 60-day public comment period prescribed in SAPA for State agency rule makings.

Subject: The practice of registered dental assisting.

Purpose: To conform the Commissioner’s regulations with chapter 512 of the Laws of 2022 and chapter 390 of the Laws of 2019.

Text of emergency rule: 1. The title of Part 61 of the Regulations of the Commissioner of Education is amended, as follows:

DENTISTRY, DENTAL HYGIENE, AND [CERTIFIED] REGISTERED DENTAL ASSISTING

2. Subdivision (b) of section 61.13 of the Regulations of the Commissioner of Education is amended, as follows:

(b) The practice of registered dental assisting shall include the following supportive services to a licensed dentist while under the direct personal supervision of the licensed dentist:

- (1) . . .
- (2) . . .
- (3) . . .
- (4) . . .
- (5) . . .
- (6) . . .
- (7) . . .
- (8) . . .
- (9) . . .
- (10) . . .
- (11) . . .
- (12) . . .
- (13) . . .
- (14) . . .
- (15) . . .
- (16) . . .

(17) placing and removing temporary restorations;

(18) taking x-rays in accordance with the requirements of section 3515(4)(c) of the Public Health Law; and

[(18)] (19) other dental supportive services authorized by the licensed dentist while the registered dental assistant is under the direct personal supervision of the licensed dentist, provided that such other dental supportive services are not excluded in subdivision (c) of this section.

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. EDU-42-22-00008-EP, Issue of October 19, 2022. The emergency rule will expire March 2, 2023.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, Education Department, Office of Counsel, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 207 of the Education Law grants general rule-making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 6504 of the Education Law authorizes the Board of Regents to supervise the admission to and regulation of the practice of the professions.

Paragraph (a) of subdivision (2) of section 6507 of the Education Law authorizes the Commissioner of Education to promulgate regulations in administering the admission to and the practice of the professions.

Section 6608 of the Education Law, as amended by Chapter 512 of the Laws of 2022, updates the scope of practice for registered dental assistance by adding the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform.

Section 6608 of the Education Law, as amended by 390 of the Laws of 2019, establishes title protection for the title “registered dental assistant.”

2. LEGISLATIVE OBJECTIVES:

The proposed rule implements Chapter 512 of the Laws of 2022 (Chapter 512), which effective August 17, 2022, amended the Education Law to update the scope of practice of registered dental assistants to include the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform. The proposed rule also implements Chapter 390 (Chapter 390) of the Laws of 2019, which effective October 23, 2019, inter alia, amended the Education Law by creating the new title of “registered dental assistant” and eliminating the prior protected title of “certified dental assistant.” The prior title of certified dental assistant caused confusion between certification by the Department and the Dental Assisting National Board (DANB). This confusion affected dentists and the general public alike—it even led to unintentional criminal violations for individuals who used the certified dental assistant title in connection with New York State practice. Chapter 390 addressed these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in Article 133 of the Education Law to the prior title of “certified dental assistant” with “registered dental assistant.”

In 2020, the Board permanently adopted an amendment to section 29.2 of the Regents Rules and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Commissioner’s regulations to implement Chapter 390 by changing the references, in those sections, from “certified dental assistant” and “certified dental assisting” to “registered dental assistant” and “registered dental assisting.” However, due to an inadvertent oversight, the proposed amendment did not change the Title of Part 61 of the Commissioner’s regulations from “Dentistry, Dental Hygiene, and Certified Dental Assisting” to “Dentistry, Dental Hygiene, and Registered Dental Assisting.” Accordingly, the Department proposes to amend the Title of Part 61 of the Commissioner’s regulations to “Dentistry, Dental Hygiene, and Registered Dental Assisting.”

The proposed rule amends section 61.13 of the Commissioner’s regulations to implement the provisions of Chapter 512 as follows:

- Paragraph (17) of subdivision (b) of section 61.13 of the Commissioner’s regulations by formally adding the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform. This supportive service may be conducted to assist a licensed dentist in the dentist’s performance of dental services while under the direct personal supervision of the licensed dentist. The existing paragraphs (17) and (18) of subdivision (b) of section 61.13 of the Commissioner’s regulations will be renumbered as paragraphs (18) and (19), respectively.

The proposed rule also implements Chapter 390 by amending the Title of Part 61 of the Commissioner’s regulations to “Dentistry, Dental Hygiene, and Registered Dental Assisting.”

3. NEEDS AND BENEFITS:

The purpose of the proposed rule is to conform the Commissioner’s regulations to Chapter 512, which amended the Education Law, to allow registered dental assistants to place and remove temporary restorations, and Chapter 390, which amended the Education Law, by creating the new legally protected title of “registered dental assistant” and eliminating the prior protected title of “certified dental assistant.”

4. COSTS:

(a) Costs to State government: There are no additional costs to state government.

(b) Costs to local government: There are no additional costs to local government.

(c) Cost to private regulated parties. There are no mandatory costs to private regulated parties.

(d) Cost to the regulatory agency: There are no additional costs to the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed rule does not impose any program service, duty, responsibility, or other mandate on local governments.

6. PAPERWORK:

The proposed rule does not impose any paperwork mandates.

7. DUPLICATION:

There is no other state or federal requirements on the subject matter of the proposed rule. Therefore, the amendment does not duplicate other existing state or federal requirements.

8. ALTERNATIVES:

The proposed rule implements statutory requirements. There are no significant alternatives to the proposed rule and none were considered.

9. FEDERAL STANDARDS:

Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

The proposed rule will take effect as an emergency rule on October 4, 2022. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the February 2023 Regents meeting. If adopted at the February 2023 Regents meeting, the proposed amendment to the Title of Part 61 and section 61.13, of the Commissioner's regulations will become effective on March 1, 2023. It is anticipated that the regulated parties will be able to comply with the proposed rule by the effective date.

Regulatory Flexibility Analysis

The purpose of the proposed rule is to implement Chapter 512 of the Laws of 2022 (Chapter 512), which effective August 17, 2022, amended the Education Law to update the scope of practice of registered dental assistants to include the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform. The proposed rule also implements Chapter 390 (Chapter 390) of the Laws of 2019, which effective October 23, 2019, inter alia, amended the Education Law by creating the new title of "registered dental assistant" and eliminating the prior protected title of "certified dental assistant." The prior title of certified dental assistant caused confusion between certification by the Department and the Dental Assisting National Board (DANB). This confusion affected dentists and the general public alike—it even led to unintentional criminal violations for individuals who used the certified dental assistant title in connection with New York State practice. Chapter 390 addressed these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in Article 133 of the Education Law to the prior title of "certified dental assistant" with "registered dental assistant."

In 2020, the Board permanently adopted an amendment to section 29.2 of the Regents Rules and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Commissioner's regulations to implement Chapter 390 by changing the references, in those sections, from "certified dental assistant" and "certified dental assisting" to "registered dental assistant" and "registered dental assisting." However, due to an inadvertent oversight, the proposed amendment did not change the Title of Part 61 of the Commissioner's regulations from "Dentistry, Dental Hygiene, and Certified Dental Assisting" to "Dentistry, Dental Hygiene, and Registered Dental Assisting." Accordingly, the Department proposes to amend the Title of Part 61 of the Commissioner's regulations to "Dentistry, Dental Hygiene, and Registered Dental Assisting."

The proposed rule amends section 61.13 of the Commissioner's regulations to implement the provisions of Chapter 512 as follows:

- Paragraph (17) of subdivision (b) of section 61.13 of the Commissioner's regulations by formally adding the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform. This supportive service may be conducted to assist a licensed dentist in the dentist's performance of dental services while under the direct personal supervision of the licensed dentist. The existing paragraphs (17) and (18) of subdivision (b) of section 61.13 of the Commissioner's regulations will be renumbered as paragraphs (18) and (19), respectively.

The proposed rule also implements Chapter 390 by amending the Title of Part 61 of the Commissioner's regulations to "Dentistry, Dental Hygiene, and Registered Dental Assisting."

The proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements on local governments or have any adverse economic impact on small businesses or local governments. Because it is evident from the nature of the proposed amendment that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

The purpose of the proposed rule is to implement Chapter 512 of the Laws of 2022 (Chapter 512), which effective August 17, 2022, amended the Education Law to update the scope of practice of registered dental assistants to include the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform. The proposed rule also implements Chapter 390 (Chapter 390) of the Laws of 2019, which effective October 23, 2019, inter alia, amended the Education Law by creating the new title of "registered dental assistant" and eliminating the prior protected title of "certified dental assistant." The prior title of certified dental assistant caused confusion between certifica-

tion by the Department and the Dental Assisting National Board (DANB). This confusion affected dentists and the general public alike—it even led to unintentional criminal violations for individuals who used the certified dental assistant title in connection with New York State practice. Chapter 390 addressed these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in Article 133 of the Education Law to the prior title of "certified dental assistant" with "registered dental assistant."

In 2020, the Board permanently adopted an amendment to section 29.2 of the Regents Rules and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Commissioner's regulations to implement Chapter 390 by changing the references, in those sections, from "certified dental assistant" and "certified dental assisting" to "registered dental assistant" and "registered dental assisting." However, due to an inadvertent oversight, the proposed amendment did not change the Title of Part 61 of the Commissioner's regulations from "Dentistry, Dental Hygiene, and Certified Dental Assisting" to "Dentistry, Dental Hygiene, and Registered Dental Assisting." Accordingly, the Department proposes to amend the Title of Part 61 of the Commissioner's regulations to "Dentistry, Dental Hygiene, and Registered Dental Assisting."

The proposed rule amends section 61.13 of the Commissioner's regulations to implement the provisions of Chapter 512 as follows:

- Paragraph (17) of subdivision (b) of section 61.13 of the Commissioner's regulations by formally adding the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform. This supportive service may be conducted to assist a licensed dentist in the dentist's performance of dental services while under the direct personal supervision of the licensed dentist. The existing paragraphs (17) and (18) of subdivision (b) of section 61.13 of the Commissioner's regulations will be renumbered as paragraphs (18) and (19), respectively.

The proposed rule also implements Chapter 390 by amending the Title of Part 61 of the Commissioner's regulations to "Dentistry, Dental Hygiene, and Registered Dental Assisting."

Neither Chapter 512 nor Chapter 390 provide any exceptions from their respective requirements for registered dental assistants in rural areas. Thus, the proposed amendment does not adversely impact entities in rural areas of New York State because all New York State registered dental assistants must comply with the same requirements. Accordingly, no further steps were needed to ascertain the impact of the proposed amendment on entities in rural areas and none were taken. Thus, a rural flexibility analysis is not required, and one has not been prepared.

Job Impact Statement

It is not anticipated that the proposed rule will impact jobs or employment opportunities. This is because the proposed amendment implements Chapter 512 of the Laws of 2022 (Chapter 512), which effective August 17, 2022, amended the Education Law to update the scope of practice of registered dental assistants to include the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform. The proposed rule also implements Chapter 390 (Chapter 390) of the Laws of 2019, which effective October 23, 2019, inter alia, amended the Education Law by creating the new title of "registered dental assistant" and eliminating the prior protected title of "certified dental assistant." The prior title of certified dental assistant caused confusion between certification by the Department and the Dental Assisting National Board (DANB). This confusion affected dentists and the general public alike—it even led to unintentional criminal violations for individuals who used the certified dental assistant title in connection with New York State practice. Chapter 390 addressed these issues by changing the protected title of the profession to registered dental assistant and replacing all the references in Article 133 of the Education Law to the prior title of "certified dental assistant" with "registered dental assistant."

In 2020, the Board permanently adopted an amendment to section 29.2 of the Regents Rules and sections 52.26, 61.9, 61.11, 61.12, 61.13 and 61.14 of the Commissioner's regulations to implement Chapter 390 by changing the references, in those sections, from "certified dental assistant" and "certified dental assisting" to "registered dental assistant" and "registered dental assisting." However, due to an inadvertent oversight, the proposed amendment did not change the Title of Part 61 of the Commissioner's regulations from "Dentistry, Dental Hygiene, and Certified Dental Assisting" to "Dentistry, Dental Hygiene, and Registered Dental Assisting." Accordingly, the Department proposes to amend the Title of Part 61 of the Commissioner's regulations to "Dentistry, Dental Hygiene, and Registered Dental Assisting."

The proposed rule amends section 61.13 of the Commissioner's regulations to implement the provisions of Chapter 512 as follows:

- Paragraph (17) of subdivision (b) of section 61.13 of the Commissioner's regulations by formally adding the placing and removing of temporary restorations to the list of supportive services that a registered dental assistant can perform. This supportive service may be conducted to

assist a licensed dentist in the dentist’s performance of dental services while under the direct personal supervision of the licensed dentist. The existing paragraphs (17) and (18) of subdivision (b) of section 61.13 of the Commissioner’s regulations will be renumbered as paragraphs (18) and (19), respectively.

The proposed rule also implements Chapter 390 by amending the Title of Part 61 of the Commissioner’s regulations to “Dentistry, Dental Hygiene, and Registered Dental Assisting.”

Therefore, any impact on jobs or employment opportunities created by the proposed amendment is attributable to the statutory requirements, not the proposed amendment, which simply conforms the Commissioner’s regulations to the requirements of the statute.

The proposed amendment will not have a substantial adverse impact on jobs and employment opportunities. Because it is evident from the nature of the proposed amendment that it will not affect job and employment opportunities, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

**EMERGENCY
RULE MAKING**

Requirements for Members of the Standing Committee for the Regents Examination Appeals Process

I.D. No. EDU-42-22-00009-E

Filing No. 4

Filing Date: 2023-01-02

Effective Date: 2023-01-02

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

Action taken: Amendment of section 100.5(d)(7) of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 209, 305, 309 and 3204

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

Specific reasons underlying the finding of necessity: At the September 2022 Board of Regents meeting, the Board adopted regulatory amendments to temporarily expand the existing appeal provision related to Regents examinations, providing additional flexibility for students adversely impacted by the COVID-19 pandemic. This special appeal provision allows any student who scores between 50 and 64 on a required Regents examination in the 2021-2022 or 2022-2023 school year to appeal that score and earn a Regents diploma.

Following the September adoption of the special appeal provision, representatives from multiple schools and districts expressed an inability to meet the requirements for the standing committee responsible for reviewing the requests for a special appeal to graduate with a lower score on a Regents exam. Currently, the standing committee must be comprised of three teachers (not to include the student’s teacher in the subject area of the Regents examination under appeal) and two school administrators (one of whom shall be the school principal).

Therefore, the Department proposes to amend section 100.5(d)(7)(iii) of the Commissioner’s regulations to provide that, where a school does not employ the requisite number of teachers and/or administrators required for the standing committee, the superintendent may appoint another school or district personnel who holds a pupil personnel service, teaching and/or administrative certificate or license to serve on such committee. This proposed amendment will apply to the prior existing appeal provision related to Regents examinations, as well as the newly added special appeal provision.

The proposed amendment was presented to the P-12 Education Committee for recommendation to the Full Board for adoption as an emergency rule at the October 2022 meeting of the Board of Regents, effective October 4, 2022. Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (non-emergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the February 2023 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the February meeting, would be March 1, 2023, the date the Notice of Adoption would be published in the State Register.

However, the emergency rule will expire on January 1, 2023. Therefore, a second emergency action is necessary at the December 2022 meeting, effective January 2, 2022, for the preservation of the general welfare in order to immediately provide regulatory flexibility so that all schools and districts can complete the special appeal process, and to ensure that the

emergency action taken at the October 2022 meeting remains continuously in effect until the rule can be permanently adopted.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the February 2023 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rulemaking.

Subject: Requirements for members of the standing committee for the Regents examination appeals process.

Purpose: To provide flexibility on who may serve as a member of the standing committee for the Regents examination appeals process.

Text of emergency rule: Subparagraph (iii) of paragraph (7) of subdivision (d) of section 100.5 of the Regulations of the Commissioner of Education is amended to read as follows:

(iii) The school principal shall chair a standing committee comprised of three teachers (not to include the student’s teacher in the subject area of the Regents examination under appeal) and two school administrators (one of whom shall be the school principal) *provided, however, that where a school does not employ the requisite number of teachers and/or administrators, the superintendent may appoint another school or district personnel who holds a pupil personnel service, teaching and/or administrative certificate or license to serve on such committee.* The standing committee shall review an appeal within 10 school days of its receipt and make a recommendation to the school superintendent or, in the City School District of the City of New York, to the chancellor of the city school district or his/her designee, to accept or deny the appeal. The standing committee may interview the teacher or department chairperson who recommended the appeal, and may also interview the student making the appeal to determine that he or she has demonstrated the knowledge and skills required under the State learning standards in the subject area in question.

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. EDU-42-22-00009-EP, Issue of October 19, 2022. The emergency rule will expire March 2, 2023.

Text of rule and any required statements and analyses may be obtained from: Kirti Goswami, Education Department, 89 Washington Avenue, Room 112EB, Albany, NY 12234, (518) 474-6400, email: legal@nysed.gov

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Section 101 of the Education Law continues the existence of the Education Department, with the Board of Regents as its head, and authorizes the Regents to appoint the Commissioner as chief administrative officer of the Department, which is charged with the general management and supervision of public schools and the educational work of the State.

Section 207 of the Education Law grants general rule making authority to the Board of Regents to carry into effect the laws and policies of the State relating to education.

Section 208 grants general rule-making authority to the Regents to confer suitable certificates, diplomas and degrees on persons who satisfactorily meet the requirements prescribed.

Section 209 provides that the Regents shall establish, in secondary institutions, examinations in studies furnishing a suitable standard of graduation therefrom and of admission to colleges, and certificates or diplomas shall be conferred by the Regents to students who satisfactorily pass such examinations.

Section 305(1) and (2) of the Education Law provide the Commissioner, as chief executive officer of the State’s education system, with general supervision over all schools and institutions subject to the Education Law, or any statute relating to education, and responsibility for executing all educational policies of the Regents.

Section 309 provides that the schools of every union free school district and of every city in all their departments are subject to the visitation of the commissioner and charges the commissioner with the general supervision of their board of education and their management and conduct of all departments of instruction.

Section 3204 of the Education Law provides that minors required to attend upon instruction pursuant to the Compulsory Education Law may attend at a public school or elsewhere and sets forth the requirements of such instruction.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to implement Regents’ policy to respond to the impact of the COVID-19 pandemic on students by providing regulatory flexibility so that all schools and districts can complete the appeal process.

3. NEEDS AND BENEFITS:

At the September 2022 Board of Regents meeting, the Board adopted regulatory amendments to temporarily expand the existing appeal provision related to Regents Examinations, providing additional flexibility for

students adversely impacted by the COVID-19 pandemic. This special appeal provision allows any student who scores between 50 and 64 on a required Regents Examination in the 2021-2022 or 2022-2023 school year to appeal that score and earn a Regents diploma.

Following the September adoption of the special appeal provision, representatives from multiple schools and districts expressed an inability to meet the requirements for the standing committee responsible for reviewing the requests for an appeal to graduate with a lower score on a Regents Examination. Currently, the standing committee must be comprised of three teachers (not to include the student's teacher in the subject area of the Regents Examination under appeal) and two school administrators (one of whom shall be the school principal).

The proposed amendment to section 100.5(d)(7)(iii) of the Commissioner's regulations provides that, where a school does not employ the requisite number of teachers and/or administrators required for the standing committee, the superintendent may appoint another school or district personnel who holds a pupil personnel service, teaching and/or administrative certificate or license to serve on such committee. This proposed amendment will apply to the prior existing appeal provision related to Regents Examinations, as well as the newly added special appeal provision.

4. COSTS:

(a) Costs to State government: There are no additional costs to State government.

(b) Costs to local government: The proposed amendment does not impose any additional costs on local governments.

(c) Cost to private regulated parties: The proposed amendment does not impose any additional costs on regulated parties.

(d) Cost to the regulatory agency: The proposed amendment will not impose any additional costs on the Department.

5. LOCAL GOVERNMENT MANDATES:

The proposed amendment does not impose any additional program, service, duty or responsibility upon local governments.

6. PAPERWORK:

The proposed amendment requires no additional paperwork.

7. DUPLICATION:

The proposed amendment does not duplicate any other existing State or Federal requirements.

8. ALTERNATIVES:

The proposed rule is necessary to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing regulatory flexibility so that all schools and districts can complete the special appeal process. Therefore, no significant alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

The proposed amendment will take effect as an emergency rule on October 4, 2022. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at the February 2023 Regents meeting, after publication of the proposed amendment in the State Register and expiration of the 60-day public comment period required under the State Administrative Procedure Act. If adopted at the February 2023 meeting, the proposed amendment will become effective as a permanent rule on March 1, 2023. It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

(a) Small businesses:

The purpose of the proposed amendment is to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing regulatory flexibility so that all schools and districts can complete the appeal process. Accordingly, a regulatory flexibility analysis for small businesses is not required and one has not been prepared.

(b) Local governments:

1. EFFECT OF RULE:

The rule applies to each of the 731 public school districts in the State.

2. COMPLIANCE REQUIREMENTS:

The proposed amendment allows a superintendent of a school district that does not employ the requisite number of teachers and/or administrators required for the appeal standing committee to appoint another school or district personnel who holds a pupil personnel service, teaching and/or administrative certificate or license to serve on such committee. Thus, the proposed rule provides school districts with flexibility in appointing the appeal standing committee and does not impose any compliance requirements on local governments.

3. PROFESSIONAL SERVICES:

The proposed rule does not impose any additional professional services requirements on local governments.

4. COMPLIANCE COSTS:

The proposed amendment does not impose and additional costs on local governments.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed rule does not impose any technological requirements on local governments.

6. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing flexibility on who may serve as a member of the standing committee for the Regents examination appeals process. The proposed rule will not have an adverse impact on school districts, as it provides flexibility on who superintendents may appoint to the appeal standing committee. There were no significant alternatives considered.

7. LOCAL GOVERNMENT PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed rule applies to all school districts in the State, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

2. REPORTING, RECORDKEEPING, AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

The proposed rule provides school districts with flexibility in appointing the appeal standing committee and therefore imposes no additional recordkeeping or other compliance requirements, nor additional professional services.

3. COSTS:

The proposed amendment does not impose and additional costs on regulated parties, including those located in rural areas.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule is necessary to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing regulatory flexibility so that all schools and districts can complete the appeal process. The proposed rule will not have an adverse impact on school districts, as it provides flexibility on who superintendents may appoint to the appeal standing committee. Because the purpose of the proposed amendment is to ensure that all students have access to such appeal, no alternatives were considered for school districts located in rural areas.

5. RURAL AREA PARTICIPATION:

Comments on the proposed rule were solicited from school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, including those in rural areas.

Job Impact Statement

The purpose of the proposed rule is to implement Regents' policy to respond to the impact of the COVID-19 pandemic on students by providing regulatory flexibility to schools on who may serve as a member of the standing committee for the Regents examination appeals process. Because it is evident from the nature of the proposed rule that it will have no impact on the number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken. Accordingly, a job impact statement is not required and one has not been prepared.

Department of Environmental Conservation

NOTICE OF ADOPTION

Special Licenses and Permits; Marine Resources Licenses and Permits - Uniform Procedures

I.D. No. ENV-29-22-00001-A

Filing No. 3

Filing Date: 2023-01-03

Effective Date: 2023-01-18

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

Action taken: Addition of Part 39; amendment of Parts 11, 40, 43, 44, 45, 50, 175 and 182 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, arts. 11 and 13

Subject: Special licenses and permits; Marine Resources licenses and permits - Uniform Procedures.

Purpose: Improve clarity and consistency in issuance and management of marine resources and special licenses and permits.

Substance of final rule: The New York State Department of Environmental Conservation (Department) proposes to add a new 6 NYCRR Part 39 and to amend 6 NYCRR Part 175. The proposed addition and amendment would:

(1) update Part 175 to reflect the reestablishment of the Department’s Division of Marine Resources (DMR), separate and distinct from the Division of Fish and Wildlife (DFW);

(2) clarify the processes for issuance and management of special fish and wildlife licenses and permits;

(3) add a new Part 39, titled “Marine Licenses and Permits – Definitions and Uniform Procedures” to describe the processes for issuance, re-issuance, surrender, designation, and revocation of marine resources licenses and permits;

(4) detail the process for the immediate suspension of a shellfish dealer permit where violations by the permit holder pose a threat to human health; and

(5) describe the process for Department suspension of review of a license or permit application where there is a pending enforcement matter against the applicant.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 39.7(c), (d)(2), 175.5(c) and (d)(2).

Text of rule and any required statements and analyses may be obtained from: Anne Haas, Department of Environmental Conservation, Office of General Counsel, 625 Broadway, Albany, NY 12233, (518) 402-9185, email: ogc.regs@dec.ny.gov

Additional matter required by statute: Pursuant to Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act and Title 6 of NYCRR Part 617.5(26), this action is listed as Type II and no further review is required.

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

The edits made to the Express Terms do not require any changes to the Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The agency received no public comment.

(“Department”) to regulate pharmacy benefit managers (“PBMs”) operating in New York, including requiring PBMs to have certain duties, accountability, and transparency obligations to New York health plans. The legislation was subsequently amended by Chapter 128 of the Laws of 2022, which went into effect on February 24, 2022.

Specifically, the legislation amended Public Health Law section 280-a(2) to require PBMs to disclose and report certain information to health plans related to the pharmacy benefit management services they provide to their health plans, and to provide an accounting of all funds received by the PBM for pharmacy benefit management services attributable to the health plan. Authorized by Public Health Law section 280-a, the Superintendent of Financial Services (“Superintendent”), in consultation with the Commissioner of Health, promulgated 11 NYCRR Part 451 (Insurance Regulation 221), which implements provisions defining, limiting, and relating to the duties, obligations, requirements, and other matters relating to PBMs contained in Public Health Law section 280-a.

Given the impending expiration of the moratorium imposed by 11 NYCRR 451 (Insurance Regulation 221) on the duties, obligations, and requirements of PBMs, and the need for additional guidance and regulations with respect to the PBM reporting provisions set forth in Public Health Law Section 280-a(2), this emergency amendment is necessary to maintain the status quo and provide certainty to the industry until fully promulgated regulations are effectuated so that PBMs subject to the statutory requirements have clear guidance and detailed instructions on the application of, and how to comply with, those Public Health Law section 280-a requirements.

This amendment is necessary to ensure that there is no disruption in the management or administration of prescription drug benefits by PBMs for New York health plans, which management or administration is integral to the public health, safety, and general welfare of the New York health plan beneficiaries. In the absence of this amendment, New York health plan beneficiaries could be prevented from accessing necessary prescription drugs, which could result in serious health and safety consequences for such beneficiaries.

Subject: Registration of Pharmacy Benefit Managers.

Purpose: To maintain status quo while the Department promulgates permanent regulations under Public Health Law section 280-a.

Text of emergency rule: Section 451.3 is amended as follows:

Pursuant to the authority granted to the superintendent by Public Health Law section 280-a(2)(g) to limit the duties, obligations, requirements and other provisions relating to pharmacy benefit managers under Public Health Law section 280-a(2), the duties, obligations and requirements contained in Public Health Law section 280-a(2)(b), (c), (d), (e), and (f) shall not apply to pharmacy benefit managers until January 1, [2023] 2024.

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 27, 2023.

Text of rule and any required statements and analyses may be obtained from: Eamon Rock, Deputy General Counsel, Department of Financial Services, One Commerce Plaza, Albany NY 12203, (518) 474-4567, email: Eamon.Rock@dfs.ny.gov

Regulatory Impact Statement

1. Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302, and 306; Insurance Law, section 301; and Public Health Law, section 280-a.

Insurance Law Article 29 and Public Health Law section 280-a authorize the Superintendent of Financial Services (“Superintendent”) to regulate pharmacy benefits managers (“PBMs”) and provides the Superintendent with broad independent regulatory authority over PBMs, including the promulgation of regulations regarding the registration, annual reporting, and licensing of PBMs.

Financial Services Law Section 202 establishes the office of the Superintendent.

Financial Services Law Section 302 and Insurance Law Section 301 authorize the Superintendent to effectuate any power accorded to the Superintendent by the Financial Services Law, Insurance Law, or any other law, and to prescribe regulations interpreting the Insurance Law.

Financial Services Law Section 102 consolidates the Departments of Insurance and Banking into the Department of Financial Services (“Department”).

Financial Services Law Section 201 authorizes the Superintendent to take actions as necessary to eliminate financial fraud or other criminal abuse or unethical conduct in the industry.

Financial Services Law Section 306 provides the authority to the Superintendent, or the person authorized by the Superintendent, to conduct a hearing to subpoena witnesses, compel the attendance of witnesses, administer oaths, examine any person under oath and to compel any person to subscribe to his or her testimony, and to require the production of any

Department of Financial Services

EMERGENCY RULE MAKING

Registration of Pharmacy Benefit Managers

I.D. No. DFS-03-23-00001-E

Filing No. 1058

Filing Date: 2022-12-28

Effective Date: 2022-12-28

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

Action taken: Amendment of Part 451 (Regulation 221) of Title 11 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 301, 302, 306; Insurance Law, sections 301, 316; Public Health Law, section 280-a

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

Specific reasons underlying the finding of necessity: The New York Legislature passed Chapter 828 of the Laws of 2021 on December 31, 2021, requiring the New York State Department of Financial Services

books, papers, records, correspondence, or other such documents that the Superintendent deems necessary.

Insurance Law Section 301 authorizes the Superintendent to prescribe regulations governing the practices of the Department.

Public Health Law Section 280-a authorizes the Superintendent to make regulations defining, limiting, and relating to the duties, obligations, requirements, and other provisions relating to pharmacy benefit managers.

2. Legislative objectives: In accordance with Insurance Law Article 29 and Public Health Law section 280-a, the legislative objectives are to empower the Superintendent to establish, by regulation, registration requirements for a PBM, including the methods and procedures for facilitating and verifying compliance with those requirements, and to establish licensing standards for PBMs, including the broad regulatory authority to implement minimum standards for the issuance of licenses to PBMs.

3. Needs and benefits: This amendment is being promulgated as an emergency measure to be effective immediately upon filing with the Secretary of State because of the expiration of the moratorium imposed by 11 NYCRR 451 (Insurance Regulation 221) on the duties, obligations, and requirements contained in Public Health Law section 280-a(2)(b), (c), (d), (e), and (f). The Department is in the process of proposing such detailed regulations; however, taking into consideration the importance of providing clear yet thorough guidance and assurances to the industry, the Department requires more time to promulgate these regulations. This amendment maintains the status quo and does not add to or subtract from any substantive provisions within 11 NYCRR 451 (Insurance Regulation 221).

4. Costs: This amendment does not impose any additional costs on PBMs or any other party and merely seeks to maintain the current status quo until detailed regulations can be fully promulgated.

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

6. Paperwork: This amendment does not impose any additional reporting, recordkeeping, or other compliance requirements on PBMs or any other party and merely seeks to maintain the current status quo until detailed regulations can be fully promulgated to provide permanent clarity to the industry.

7. Duplication: The amendment does not duplicate or conflict with any existing state or federal regulations or other legal requirements.

8. Alternatives: The Department considered not promulgating this amendment. However, the amendment is required to maintain the status quo while the Department works to fully promulgate clear and permanent regulations. Without the amendment, PBMs would be left with unclear guidance on the application of, and how to comply with, the requirements contained in Public Health Law section 280-a. Therefore, the alternative of not promulgating the amendment was rejected.

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

10. Compliance schedule: The amendment will take effect immediately upon the filing of the Notice of Emergency Adoption with the Secretary of State.

Regulatory Flexibility Analysis

Small businesses: This amendment, being promulgated as an emergency measure, should not have any adverse impact on small businesses. This amendment merely maintains the status quo of 11 NYCRR 451 (Insurance Regulation 221) and provides certainty to the industry while the Department works to promulgate permanent regulations.

Local governments: This amendment does not apply to local governments. No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment. Therefore, the amendment will not have any impact, including any adverse impact, on any local government.

Rural Area Flexibility Analysis

This amendment, being promulgated as an emergency measure, should not have any adverse impact on pharmacy benefit managers or any other party in a rural area. This amendment merely maintains the status quo of 11 NYCRR 451 (Insurance Regulation 221) and provides certainty to the industry while the Department works to promulgate permanent regulations.

Job Impact Statement

The Department of Financial Services (“Department”) has determined that the emergency measure should not adversely impact jobs or employment opportunities in New York State. The amendment merely maintains the status quo of 11 NYCRR 451 (Insurance Regulation 221) and provides certainty to the industry while the Department works to promulgate permanent regulations.

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

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

I.D. No. DFS-24-22-00010-A

Filing No. 1057

Filing Date: 2022-12-28

Effective Date: 2023-01-18

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

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

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

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

Purpose: To change the annual adjustment of maximum fees and create lower limits for government benefit checks.

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

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

(1) [2.27] 1.5 per centum of the amount of the check[, draft or money order in addition to any increase that shall hereafter be made pursuant to subdivision (b) of this section] *issued by a Federal or State government agency for the payment to the bearer of Federal or State monetary assistance, Social Security, unemployment compensation, retirement, veteran's benefits, emergency relief or housing assistance, or a tax refund;* or

(2) \$1 or 2.2 per centum of the amount of all other checks, drafts or money orders, whichever is greater.

(b) Effective January 31, [2023] 2027, and [annually] every five years thereafter, *licensees may request an increase in the maximum fees established by this section. Any such request must be supported in writing by annual information, for each of the preceding five years, showing each licensee's costs and expenditures (including rent, wages, information technology and compliance costs), profitability (including all sources of revenue, such as those from other lines of business, as well as other conditions impacting each licensee's financial condition, such as capital needs, cost of capital and payments to owners or senior managers) and any other information the Department may request. The Superintendent may review any fee request submitted by licensees and, in his or her discretion, approve, modify or deny a request for an adjustment to the maximum fee stated in Section 400.11(a).* [the maximum per centum fee specified in subdivision (a) of this section, shall be increased by a per centum amount, based upon an increase in the consumer price index for the New York - Newark - Jersey City, NY - NJ - PA area for all urban consumers (annual CPI-U), as reported by the Bureau of Labor Statistics of the U.S. Department of Labor for the calendar year preceding the year in which such increase is made compared to such annual CPI-U for the year prior to such preceding year. The maximum per centum fee that may be charged or collected for cashing a check, draft or money order pursuant to this section in effect at such time shall be multiplied by such computed per centum amount and the result added to such maximum per centum fee. The resulting sum shall be the revised maximum per centum fee, which shall be posted upon the internet site of the Department of Financial Services (www.dfs.ny.gov) by the superintendent not later than 45 days following the public release of such annual index by the U.S. Department of Labor. Such revised maximum per centum fee shall be calculated and posted to the nearest one-hundredth of a per centum. Such revised maximum per centum fee shall be effective not later than 45 days after the superintendent shall have notified the Majority Leader of the Senate, the Speaker of the Assembly, and the chairperson of the Senate and Assembly Committees on Banks of his/her intention to change the maximum per centum fee pursuant to the provisions of section 372.3 of the Banking Law and shall continue in effect until revised and increased in the next succeeding year based upon an increase in such annual index. If such CPI-U does not increase in any one year, the maximum per centum fee in effect during the year in which the index does not increase shall remain unchanged in the next succeeding year. Nothing herein shall be deemed to prohibit the superintendent from setting, by regulation, a different maximum per centum fee at any time where the superintendent shall find that such a fee is necessary and appropriate to protect the public interest and to promote the stability of the check cashing industry for the purpose of meeting the needs of the communities that are served by check cashers.]

(c) No maximum fee shall apply to the charging of fees by licensees for

the cashing of checks, drafts or money orders for payees of such checks, drafts or money orders that are other than natural persons.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 400.11(d).

Text of rule and any required statements and analyses may be obtained from: George Bogdan, Esq., Department of Financial Services, 1 State Street, New York, New York 10004, (212) 480-4758, email: george.bogdan@dfs.ny.gov

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

A revised Revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis are not required for the adoption of the amendment because the non-substantive revisions to the regulation do not require a change to the previously published Revised Regulatory Impact Statement, Regulatory Flexibility Analysis and Rural Area Flexibility Analysis. The effective date is changed from January 1, 2023 to the publication of the adoption in the State Register. Proposed Section 400.11(d) is deleted.

Revised Job Impact Statement

A revised Job Impact Statement is not required for the adoption of the amendment because the non-substantive revisions to the regulation do not require a change to the previously published Job Impact Statement. The effective date is changed from January 1, 2023 to the publication of the adoption in the State Register.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2026, which is no later than the 3rd year after the year in which this rule is being adopted.

Assessment of Public Comment

The New York State Department of Financial Services (“Department”) received comments from licensed check cashers, their employees, affiliated professionals, legislators, trade groups, consumer groups, advocates, and academics concerning the proposed amendment to 3 NYCRR Part 400.11. The most significant comments, and the Department’s responses, are summarized below. A full Assessment of Public Comments will be posted on the Department’s website at: https://www.dfs.ny.gov/industry_guidance/regulations/final_adoptions_banking

This amendment seeks to redress long-standing flaws in the mechanism established by 3 NYCRR 400.11 to adjust the maximum fee for cashing checks and aligns New York with every other state that regulates fees charged by check cashers. Specifically, since the existing mechanism was established in 2005, New York has been the only state to grant annual, automatic increases to the maximum check cashing fee based on increases in the Consumer Price Index (“CPI”). This mechanism presumes that an annual increase is always warranted, without any consideration of the needs of the industry or the ability of the consumers who use check cashing services to absorb those increased costs, and it bases those increases on CPI, a broad measure of increases in the cost of living for consumers.

The fact that 3 NYCRR 400.11 ignores the interests of consumers is a significant flaw in the existing mechanism. The clear intent of Section 372, which requires that the Department establish the maximum fee that may be charged for cashing a check, is to protect consumers against excessive fees. Yet, since 2005, 3 NYCRR 400.11 has provided for annual, automatic fee increases without any consideration for the interests of the consumers served by the industry. This oversight is particularly egregious as check cashers typically serve diverse neighborhoods where the poverty rate is higher and there is often limited access to financial services. This means that check cashers are frequently the only way that many struggling New Yorkers can access the financial system to cash their wage or public benefit checks. Accordingly, while studies show that the pandemic had a greater impact on low to moderate income communities, the check cashing fee was increased three times in the lead up to and through the height of the pandemic.

The existing mechanism’s reliance on CPI to calculate the fee increase is a further flaw in the existing system. CPI – a broad regional measure of the cost of living for a variety of consumers – bears no clear relationship to the costs of running a check cashing business. Instead, CPI captures the cost-of-living increases that consumers, including those who use check cashing services, experience. Studies show that increases in CPI have a disproportionate impact on low to moderate income communities. As a result, using CPI to increase the maximum check cashing fee is punitive to consumers of check cashing services, effectively increasing the cost of accessing financial services as the costs of other basic necessities rise.

The proposed amendment better balances the interests of the industry with those of the people it serves. The amendment accomplishes this goal by: (1) eliminating the annual automatic increase based on increases in CPI in favor of a process by which the industry can seek fee increases

based on relevant business conditions; and (2) slightly adjusting the maximum fee for most checks following serial increases going back more than 15 years including three times in nearly a year in December 2019, March 2020, and March 2021 during the lead up to and height of the pandemic, and (3) reducing the rate on benefit checks in recognition of the reduced risk of loss on such checks and the needs of New Yorkers receiving public assistance, in keeping with check casher fees in most other states.

In general, comments received from licensed check cashers, their employees, affiliated professionals and trade groups all expressed opposition to the proposed amendment, labeling the modest change in the fee schedule as “severe” and arguing that it will impact the industry’s ability to continue in operation. Comments received from consumer groups, advocates and academics all supported the proposed amendment, focusing on the need to balance the interests of the industry with the interests of the people who use check cashing services. The comments submitted by legislators were mixed, with some expressing opposition, or at least concern, over the proposed amendment and some supporting the proposal. In addition, approximately 82,000 one-page statements drafted by the Trade Association and signed by purported customers of the industry, were submitted that reiterate the industry’s talking points on the proposed regulation.

The comments submitted in opposition to the proposed amendment expressed concern over the impact the proposed decrease in the maximum check cashing fee, (1) from 2.27% to 1.5% for all government monetary assistance, Social Security, unemployment compensation, retirement, veteran’s benefits, emergency relief or housing assistance, or tax refund checks, and (2) from 2.27% to 2.2% for all other retail checks, would have on the viability of licensed check cashers. At a minimum, the commenters state, licensed check cashers would have to further trim costs, potentially limiting services and the ability of check cashers to provide raises to their employees. Other commenters state that check cashers will be forced to close locations with lower volumes or without other sources of income, depriving people in those communities of local services and eliminating jobs.

A trade association that represents the check cashers (the “Trade Association”), submitted a report, prepared by a retained accounting firm, making projections as to the impact of the amendment. The report concluded that the industry needs a substantial increase in the maximum fee to maintain its historic rate of profitability.

The conclusion of the industry’s report is not supported by their own data. Before proposing to amend the regulation, the Department sought, received and reviewed a substantial amount of data from the industry and other stakeholders. The Department’s review indicated that check cashers do not, on average, charge the maximum check cashing fee allowed by law, with the average rate being approximately 2.19%. That means that while the industry is currently authorized to charge 2.27% as the maximum fee for cashing a check, and claims it needs the fee to be increased to approximately 2.5%, the industry is generally charging below the amount it is authorized to charge. Accordingly, while comments in opposition to the proposed amendment describe the condition of the industry and the potential impact of the amendment in dire terms, the Department views the decrease as being consistent with current industry practice.

While the industry depicts the proposed amendment as enacting a major change to the fee structure, labeling the decrease in the general maximum fee from 2.27% to 2.2% (.07 basis points) as being “severe” for the industry. This is a decrease of less than one-tenth of one percent. Paradoxically, the industry dismisses the larger increase in the maximum fee on consumers that the industry calculates would have occurred if the Department did not freeze the rate this year, from 2.27% to 2.37% (.1 basis), as being “negligible”.

The industry asserts that continuing fee increases are necessary to offset declines in check cashing volumes. The Department disagrees. There is no dispute that there is a systemic, long-term shift in the way people are paid and pay for goods and services. The solution to changing consumer preferences can not be exponential increases to the maximum check cashing fee, which will be borne by low-income consumers, to offset declining check cashing volume. Rather, the industry needs to adapt to the changing environment.

Several commenters criticized the proposed decrease of the maximum fee to 1.5% for all government monetary assistance, Social Security, unemployment compensation, retirement, veteran’s benefits, emergency relief or housing assistance, or tax refund checks, for several reasons. They claim that the proposed maximum fee is a significant reduction and results in a fee that is insufficient to cover the risk of loss on those items. These commenters state that the risk of loss on government benefit checks is generally incurred as a result of duplicate deposits or forged endorsements, meaning that the inability to recover the checks is generally due to the payee, not the payor. Most of the cost of cashing a check comes from basic operating expenses, such as rent and labor, not the default rate on a particular category of check.

The Department disagrees that the proposed reduction of the maximum fee that may be charged to cash public assistance checks results in a material reduction in fee income for the check cashing industry. In particular, the Department notes, that most public benefits are no longer paid by paper check, indicating that the impact of this change will be limited. Further, at least twelve other states already limit the fees that may be charged on public benefit checks.

Several commenters challenge the estimated cost of complying with the proposed regulation, stating that the cost to reprogram their check cashing systems to account for a different rate for cashing government checks would cost each firm a six-figure sum of money.

First, many check cashers already maintain multi-tiered pricing. Further, the cost of incorporating a different maximum fee for public benefit checks should be minimal for anyone using off-the-shelf software, which are readily available and used by a number of licensed check cashers. This software incorporates the functionality to account for multiple check cashing fee structures in recognition of the varying maximum fees established by different states. As several check cashers operating in New York have national operations, they already operate systems and operations that track different maximum fees.

Some commenters observed that five years is too long a period to wait if the industry needs a rate increase. One commenter challenged the proposed mechanism for determining future increases to the maximum fee, stating that it is “woefully vague.” Moreover, this commenter asserts, the regulation fails to set adequate standards guiding the decision, stating that such matters are left to the Department’s “absolute, standard-less discretion.”

The proposal is consistent with the broad grant of the authority the Legislature provided to the Department to establish a maximum fee for cashing retail checks. Banking Law Section 372 simply states that the “superintendent shall, by regulation, establish the maximum fees which will be charged by licensees for cashing a check, draft, or money order.” Until 2005, the Department did not need or use a rigid formula or review procedure to establish the maximum check cashing fee. Until CPI and the annual increase was adopted, the Department established a flat fee and increased it in its own discretion. Previously, the relevant fee language, set forth in 3 NYCRR 400.12, stated that a “licensee shall be permitted to collect or charge in fees for cashing a check, draft or money order a sum or sums not to exceed a (a) 1.4 percentum amount of the check, draft or money order, or (b) 60 cents, whichever is greater.” The language provided nothing about how or when the fee would be increased or what information would be considered. Rather, the determination was, consistent with legislative intent, left to the discretion of the superintendent.

By specifying when the industry may apply for a fee increase, and what information should be submitted in support of the request, the current proposal is more specific than the historical fee setting regulation and provides more guidance than set forth in Banking Law Section 372.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Virtual Currency Licensee Assessments

I.D. No. DFS-03-23-00002-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 102 to Title 23 NYCRR.

Statutory authority: Financial Services Law, sections 102, 201, 202, 206, 301 and 302

Subject: Virtual Currency Licensee Assessments.

Purpose: To set forth the basis for allocating costs and expenses attributable to virtual currency businesses for FSL assessments.

Text of proposed rule: 23 NYCRR PART 102

VIRTUAL CURRENCY LICENSEE ASSESSMENTS

§ 102.1 Background.

In 2015, the Department of Financial Services (“Department”) adopted 23 NYCRR Part 200, which required persons engaged in virtual currency business activity, as defined in 23 NYCRR 200.2(q), to obtain a license, subject to certain exemptions, before engaging in such activity in New York. This licensing regime was created under the authority granted to the Department by the Financial Services Law (“FSL”).

Generally, the Department’s costs and expenses are charged to and paid by persons regulated by the Department. At the time that Part 200 was adopted, FSL section 206 provided that the costs and expenses of the Department would be respectively charged to and paid by the persons regulated by the Department pursuant to the Banking Law or the Insurance Law, with no provision made for the assessment of costs for persons

regulated pursuant to the FSL. In 2022, the Laws of New York, Chapter 58, Part III, amended FSL Section 206 (a), as of June 30, 2022, to require the Department to assess the costs and expenses of regulating persons licensed pursuant to 23 NYCRR Part 200 (“Licensees”). FSL section 206 (a) now states: “[p]ersons regulated under [the FSL] that engage in ‘virtual currency business activity,’ as that term is defined by the department, shall be assessed by the superintendent for the operating expenses of the department that are solely attributable to regulating such persons...”

To effectuate the authority granted by the recent amendment of the FSL, this regulation sets forth the basis for allocating the Department’s costs and expenses among Licensees, and the process for making such assessments. This regulation only applies to Licensees, and the assessment only covers the costs and expenses associated with the Department’s oversight of each person’s virtual currency business activities. Accordingly, to the extent that a person is licensed to engage in virtual currency business activities under the FSL, and concurrently as a money transmitter pursuant to Article XIII-B of the Banking Law, such person will be billed separately for each license. To the extent that a person holds multiple licenses to engage in virtual currency business activities pursuant to 23 NYCRR Part 200, such person will be billed separately for each license. Persons who engage in virtual currency business activities as a limited purpose trust company or a banking organization will continue to be assessed under 23 NYCRR Part 101. To such an extent that a person holds both a limited purpose trust charter under the Banking Law and a license pursuant to 23 NYCRR Part 200, such person will be billed separately for each charter and license.

§ 102.2 Definitions.

The following definitions apply in this Part:

(a) **Hourly Rate** means the average hourly salary and fringe benefit cost of the examiners and staff assigned to the supervision of Licensees plus a multiplier, as determined by the superintendent, representing a portion of the other operating overhead expenses of the Department.

(b) **Custody Basis** means the measurement tool used to assess 50% of the Supervisory Hours, as defined below, among Licensees. The Custody Basis is based on the total United States Dollar value of virtual currency held on behalf of customers by each Licensee averaged over the prior four quarter-end balances reported. Depending on the total virtual currency custody average, the Custody Basis for each Licensee will be categorized by size as small, medium, or large, resulting in an allocation, respectively, of 5%, 15%, and 30% of 50% of the Supervisory Hours.

(c) **Custody Basis Assessment for an individual Licensee** means the product of the Custody Basis Hours and the Hourly Rate.

(d) **Custody Basis Hours** means the Custody Basis share of either 5%, 15%, or 30% of the total Supervisory Hours, divided by the total number of Licensees that have the same Custody Basis share.

(e) **Licensee** means any person who is licensed pursuant to 23 NYCRR Part 200. The term Licensee shall only apply to the virtual currency business activities, as that term is defined in 23 NYCRR 200.2(q), of persons licensed pursuant to 23 NYCRR Part 200.

(f) **Person** means an individual, partnership, corporation, association, joint stock association, trust, or other entity, however organized.

(g) **Regulatory Component** represents the cost of examining licensees. For an individual Licensee means the Total Operating Cost, as defined below, less the Supervisory Component divided by the total number of Licensees.

(h) **Supervisory Component for an individual Licensee** means the sum of its Transaction Volume Basis Assessment, as defined below, and its Custody Basis Assessment.

(i) **Supervisory Hours** means the total number of hours worked by staff attributable to the ongoing supervision of Licensees, including the monitoring of Licensees, the processing of license or material business changes, and responding to inquiries.

(j) **Total Operating Cost** means:

(1) the sum of the total operating expenses of the Department that are solely attributable to its oversight of Licensees; and

(2) the proportion deemed just and reasonable by the superintendent of the other operating overhead expenses of the Department which may be assessed against Licensees under FSL section 206(a).

(k) **Transaction Basis Hours** means the Transaction Volume Basis, as defined below, share of either 5%, 15%, or 30% of the total Supervisory Hours, divided by the total number of Licensees that have the same Transaction Volume Basis share.

(l) **Transaction Volume Basis** means the measurement tool used to allocate 50% of the Supervisory Hours among Licensees. The Transaction Volume Basis is based on the total number of virtual currency transactions by each Licensee in New York for the prior calendar year. Depending on the total number of virtual currency transactions, the Transaction Volume Basis for each Licensee will be categorized by size as small, medium, or large, resulting in an allocation, respectively, of 5%, 15%, and 30% of 50% of the Supervisory Hours.

(m) *Transaction Volume Basis Assessment for an individual Licensee means the product of the Transaction Basis Hours and the Hourly Rate.*

§ 102.3 Billing and Assessment Process.

The New York State fiscal year begins April 1 and ends March 31 of the following calendar year. Each Licensee subject to assessment pursuant to this Part is billed five times for a fiscal year: four quarterly assessments (each approximately 25 percent of the anticipated annual amount) based on the estimated budget to cover the Total Operating Cost at the time of the billing, and a final assessment (or true-up), based on the actual Total Operating Cost for the fiscal year. Any Licensee that is licensed for any part of a quarter shall be assessed for the full quarter. Such amounts shall be paid within 30 days of the date of such billing.

§ 102.4 Computation of Assessment.

The total annual assessment for a Licensee shall be the sum of its Supervisory Component and its Regulatory Component.

§ 102.5 Penalties/Enforcement Actions.

All Licensees shall be subject to all applicable penalties, including late fees and interest, provided for by the FSL, the State Finance Law or other applicable laws. Enforcement actions for nonpayment could include suspension, revocation, expiration or termination of a person's license or such other actions as the superintendent may deem appropriate.

§ 102.6 Special Assessments.

When the superintendent shall determine that the expenses associated with a specific examination, investigation or review are best allocated solely to the individual Licensee or Licensees subject to such examination or investigation, rather than to all Licensees generally or any subgroup thereof, such expenses shall be billed separately as provided for in this subdivision. The time of each person associated with such examination or investigation shall be multiplied by the average costs of the examiners and specialists at their respective grade levels assigned to such examination or investigation, plus expenses for travel outside of New York, and the resulting amount shall be assessed separately to each such Licensee subject to such examination or investigation in such amounts as the superintendent shall deem appropriate. Alternatively, if another entity or person is selected to perform an examination, investigation or review of an individual Licensee or Licensees, the expenses associated with such examination, investigation and review shall be the amount of the contract for such services and such portion of the department's administrative expenses associated with such contract as the superintendent shall deem appropriate. The resulting amount shall be assessed separately to each such Licensee subject to such examination, investigation or investigation in such amounts as the superintendent shall deem appropriate. Such special assessments shall be billed within 180 days after the calendar quarter within which such expenses were incurred. Such amounts shall be paid within 30 days of the date of such billing. In making a determination to make a special assessment and to allocate such assessment between one or more Licensees, the superintendent shall include such factors as she or he shall deem appropriate, including, but not limited to: the significance of the examination to the conduct of business by a given Licensee or group of Licensees; the potential seriousness of any violations of law or regulation identified by, or under review in, such examination or investigation; and the extent to which a Licensee attempted to cover up or failed to disclose the existence of such violations.

Text of proposed rule and any required statements and analyses may be obtained from: George Bogdan, Department of Financial Services, 1 State Street, 20th Floor, New York, New York 10004, (212) 480-4758, email: George.Bogdan@dfs.ny.gov

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

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

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

Regulatory Impact Statement

1. Statutory Authority: Financial Services Law ("FSL") Sections 102, 201, 202, 206, 301, and 302.

FSL Section 102 sets forth the purpose and goals of the FSL including, as relevant, to "establish a modern system of regulation, rule making and adjudication" and to ensure "the prudent conduct of the providers of financial products and services, through responsible regulation and supervision."

FSL Section 201 sets forth a declaration of policy for the Department of Financial Services (the "Department") and states, as relevant, that the Superintendent of Financial Services ("Superintendent") shall take such actions as the Superintendent believes necessary to "foster the growth of the financial industry in New York and spur state economic development through judicious regulation and vigilant supervision."

FSL Section 202 establishes the office of the Superintendent and provides the Superintendent with broad rights, powers, duties and discretion with respect to matters under the FSL, the Banking Law, and the Insurance Law.

FSL Section 206(a) now requires the Superintendent to assess the costs and expenses of the Department that are attributable to its oversight of persons licensed to engage in virtual currency business activity pursuant to 23 NYCRR Part 200 ("licensees") to such persons. The Laws of 2022, Chapter 58, Part III, effective June 30, 2022.

FSL Section 301 sets forth the powers of the Superintendent under relevant law.

FSL Section 302 sets forth the power of the Superintendent to prescribe, withdraw or amend rules and regulations involving financial products and services, effectuating and interpreting the provisions of the FSL, Banking Law, and Insurance Law, and governing the procedures to be followed in the practice of the Department.

2. Legislative Objectives: To require the Superintendent, consistent with the Department's funding by the persons it regulates, to charge the costs and expenses of regulating licensees to such regulated entities.

3. Needs and Benefits: FSL Section 206(a) was amended to provide that persons regulated under the FSL that "engage in 'virtual currency business activity,' as that term is defined [in 23 NYCRR 200.2(q)], shall be assessed by the superintendent for the operating expenses of the Department that are solely attributable to regulating such persons in such proportions as the superintendent shall deem just and reasonable." The Department is fully funded by assessments on the persons it regulates. Previously, FSL Section 206 only authorized and required the Department to assess those persons licensed under the Banking or Insurance Laws for the costs of the Department's operations. In recognition of the virtual currency licensing system created under the authority granted to the Department by the FSL, the amendment to Section 206 incorporates the new licensing regime into the Department's existing assessment authority.

To effectuate the mandate of the revised FSL Section 206, the regulation sets forth the proposed basis for allocating the Department's costs and expenses among licensees in proportion to the costs of regulating each individual licensee. In developing the proposal, the Department reviewed the existing methodology used to assess other industries regulated by the Department and considered how to best apply existing frameworks to licensees.

The resulting proposal applies the general framework used to assess the costs of the Department under the Banking Law and tailors it to reflect the unique nature of virtual currency business activity and the diversity of business models licensed under 23 NYCRR Part 200. The proposed methodology seeks to allocate the Department's costs and expenses among licensees based on the amount of work required to regulate licensees of varying sizes and complexity, with larger, more complex licensees being assessed a greater share of the Department's costs and expenses in recognition of the additional resources required to effectively regulate and supervise them.

The proposed regulation uses two components to allocate the Department's costs and expenses: a regulatory and supervisory component. The Regulatory Component, as defined in proposed section 102.2, captures the general costs of regulating persons engaged in virtual currency business activity, including the costs to perform ongoing monitoring of existing licensees, to process license and material change requests, and to respond to general inquiries. The supervisory component, as defined in section 102.2, will vary according to the size and complexity of each licensee. Accordingly, 50% of the supervisory component will be allocated based on the total number of virtual currency transactions by a licensee in the State of New York (defined in section 102.2 as "Transaction Volume Basis") and the other 50% will be allocated based on a licensee's total virtual currency held on behalf of customers ("Custody Basis"). Licensees with more significant numbers of transactions and larger assets under management will be assessed a greater percentage of the supervisory component.

Initially, the allocation of the Transaction Volume Basis will be computed as follows based on the volume of operations of each licensee:

(1) For each licensee that engages in 1 to 50,000 transactions per year, the Transaction Volume Basis allocation is 5%;

(2) For each licensee that engages in 50,001 to 4,000,000 transactions per year, the Transaction Volume Basis allocation is 15%; and

(3) For each licensee that engages in 4,000,001 transactions or more per year, the Transaction Volume Basis allocation is 30%.

Similarly, the Custody Basis will be computed as follows:

(1) For licensees that have average virtual currency customer assets valued up to up to \$100,000,000, the Custody Basis assessment is 5%;

(2) For licensees that have average virtual currency customer assets valued from \$100,000,001 to \$1,000,000,000, the Custody Basis assessment is 15%; and

(3) For licensees that have average virtual currency customer assets of \$1,000,000,001 or more, the Custody Basis assessment is 30%.

The allocation will then be divided equally among every licensee that falls into the size categories listed above.

The Department expects that the ranges that dictate entity size will be adjusted periodically as the industry continues to develop. Any changes in

these assessment brackets will be communicated to licensees by electronic mail. The Department also anticipates posting notices concerning changes and its current assessment methodology on its website.

The regulatory component captures the fixed costs of periodic examinations and other shared services (such as cybersecurity and anti-money laundering) performed by the Department that are related to cryptocurrency companies. As these costs are expected to fluctuate less, the regulatory portion of the assessment will be a pro-rated, fixed cost for each licensee.

It is important to note that this regulation only applies to persons licensed pursuant to 23 NYCRR Part 200, and the assessment only covers the costs and expenses associated with the Department's oversight of each licensee's virtual currency business activities. Accordingly, to the extent that a licensee is also licensed as money transmitter pursuant to Article XIII-B of the Banking Law, such licensee will be billed separately, pursuant to the existing methodology for assessing money transmitters, for its money transmission activity. To the extent that a licensee holds multiple licenses to engage in virtual currency business activities pursuant to 23 NYCRR Part 200, such person will be billed separately for each license. Persons who engage in virtual currency business activities as a limited purpose trust company or a banking organization will continue to be assessed under the Banking Law. To such an extent that a person holds both a limited purpose trust charter under the Banking Law and a license pursuant to 23 NYCRR Part 200, such person will be billed separately for each charter and license.

4. **Costs:** In accordance with the mandate imposed by FSL Section 206, the proposed regulation increases costs for licensees, adding an assessment for the cost of regulation that does not currently exist. It is difficult to estimate exactly what the costs will be for a particular licensee due to the variable nature of the business and the fact that the contemplated assessment will vary depending on the size and complexity of each licensee. The Department has engaged with licensees to provide an overview of the proposed assessment methodology and how it would impact them.

5. **Local Government Mandates:** The proposed amendment does 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:** There are no new record keeping or filing requirements that will be imposed on the industry as a result of the proposed regulation. The Department will calculate the assessments based on reporting that the industry is already required to provide to the Department. Of course, licensees will record payments made on their own accounting records in the normal course of business.

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

8. **Alternatives:** A regulation is necessary to specify how the allocation of costs and expenses required by the recent amendment to FSL Section 206 will be made. In developing the proposed regulation, the Department weighed several alternative metrics to allocate the assessment. The assessment should account for the fact that more complex institutions generally require more time and effort to properly regulate.

The Department posted a draft text of this regulation on its website for 10 days to solicit comment from small businesses that might be affected. The Department did not receive any written comments.

9. **Federal Standards:** Federal law does not govern the assessment of state-licensed persons engaged in virtual currency business activities.

10. **Compliance Schedule:** The proposed amendment will take effect upon publication of the Notice of Adoption in the State Register. Assessments pursuant to the adopted regulation will be billed for the second quarter of the next fiscal year that starts on April 1, 2023. Any unforeseen delays in the adoption of this regulation may delay billing to a later quarter. The Department is striving to provide licensees with informal billing estimates before the adoption of this regulation.

Regulatory Flexibility Analysis

1. **Effect of Rule:** The proposal does not have any impact on local governments. An amendment to Section 206 of the Financial Services Law requires the Superintendent of Financial Services ("Superintendent") to assess the costs and expenses of the Department of Financial Services (the "Department") that are attributable to its oversight of persons licensed to engage in virtual currency business activity pursuant to 23 NYCRR Part 200 ("licensees"). The Laws of 2022, Chapter 58, Part III, effective June 30, 2022.

The proposed regulation establishes the methodology by which the Department will assess licensees.

Thirty-one (31) companies presently regulated by the Department will become subject to assessments under Part 102. The Department believes thirteen (13) of these firms presently qualify as small businesses that employ less than 100 employees.

2. **Compliance Requirements:** The regulation does not change existing compliance requirements. Rather, the regulation establishes the methodol-

ogy, in compliance with the requirement of FSL Section 206, by which the Department will assess its costs and expenses to Licensees in reasonable proportion to the costs and expenses of regulating them.

3. **Professional Services:** It is not anticipated that small businesses will require any professional services to comply with this amendment.

4. **Compliance Costs:** Companies subject to the new assessment will start making quarterly payments in 2023 after the State's new fiscal year commences. The Department cannot estimate the annual cost of the assessments for specific firms or all firms collectively at this time. The proposed methodology in Part 102 requires computation of the Department's labor costs and the aggregate transactional activity of the assessed firm when computing an assessment. Otherwise, licensees will not bear any additional compliance costs in terms of record keeping or reporting.

5. **Economic and Technological Feasibility:** No additional technological burden on regulated entities which are small businesses is expected.

In accordance with the mandate imposed by FSL Section 206, the proposed regulation increases costs for licensees, adding an assessment for the cost of regulation that does not currently exist. It is difficult to estimate exactly what the costs will be for a particular licensee due to the variable nature of the business and the fact that the contemplated assessment will vary depending on the size and complexity of each licensee.

6. **Minimizing Adverse Impact:** The assessment methodology in Part 102 is designed to decrease the burden on smaller and less complex Licensees. Larger and more complex businesses will pay comparatively higher assessments.

7. **Small Business and Local Government Participation:** This regulation does not impact local governments.

The Department complied with SAPA Section 202-b (6) by posting the proposed rule on its website for informal outreach and notified all regulated companies subject to the proposed assessment that a draft rule had been posted. The Department also will comply with SAPA section 202-b(6) by publishing its proposal in the State Register and posting the proposal on its website again.

Rural Area Flexibility Analysis

The Department of Financial Services ("Department") finds that the rule will not have any adverse impact on rural areas or impose new substantial reporting, recordkeeping or other compliance requirements on public or private entities in rural areas in New York State. None of the existing regulated companies that will become subject to 23 NYCRR 102 are rural. The rule provides for assessments of firms chartered or licensed by the Department. The rule applies to all chartered or licensed companies active in the virtual currency business, whether they operate in rural or non-rural areas and should not impact them differently based on location. The rule does not impose any new reporting requirements on any regulated entity.

Job Impact Statement

In compliance with the mandate established by Section 206 of the Financial Services Law, the Superintendent of Financial Services ("Superintendent") is required to assess the costs and expenses of the Department of Financial Services (the "Department") that are attributable to its oversight of persons licensed to engage in virtual currency business activity pursuant to 23 NYCRR Part 200 ("licensees") to such persons. The proposed regulation establishes the methodology by which the Department will assess licensees.

While the proposal will increase costs on licensees, subjecting them to assessments as all other persons regulated by the Department are, it is not expected to adversely impact jobs or employment opportunities in New York State. The proposal was developed while considering the current financial condition of licensees and projected changes in the industry.

Power Authority of the State of New York

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Rates for the Sale of Power and Energy

I.D. No. PAS-03-23-00005-P

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

Proposed Action: Revision in rates for Village of Tupper Lake.

Statutory authority: Public Authorities Law, section 1005

Subject: Rates for the Sale of Power and Energy.

Purpose: Maintain system’s fiscal integrity. This increase in rates does not result from Power Authority’s rate increase to the Village.

Text of proposed rule: Village of Tupper Lake Proposed Monthly Rates

SC 1 Residential	
Customer Charge	\$ 5.00
Energy Charge, per kWh	
May - October	\$ 0.05154
November – April, First 1500 kWh	\$ 0.05154
November – April, 1500-4500 kWh	\$ 0.09062
November – April, >4500 kWh	\$ 0.13252
SC 2 Small Commercial	
Customer Charge	\$ 7.00
Energy Charge, per kWh	
May - October	\$ 0.05900
November – April	\$ 0.07900
SC 3A Large Commercial	
Demand Charge, per KW	\$ 7.00
Energy Charge, per kWh	\$ 0.04480
SC 3B Large Commercial	
Demand Charge, per KW	\$ 6.00
Energy Charge, per kWh	\$ 0.05964
SC 4 Sunmount Development Center	
Demand Charge, per KW	\$ 8.41
Energy Charge, per kWh	\$ 0.05080
SC 5 Security Lights	
Per month, per unit of:	
150 Watt High Pressure Sodium (61 kWh/mo)	\$ 11.74
175 Watt Mercury Vapor (69 kWh/mo)	\$ 11.74
250 Watt High Pressure Sodium	\$ 21.02
400 Watt Mercury Vapor 120 kwh per month	\$ 21.02
SC 6 Street Lighting	
Facility Charge, per lamp/per month	\$ 7.37
Energy charge, per kWh	\$ 0.1774

¹Average annual purchased power adjustment (PPA) reflected in present and proposed rates.

Text of proposed rule and any required statements and analyses may be obtained from: Karen Delince, Power Authority of the State of New York, 123 Main Street - 9B, White Plains, New York 10601, (914) 390-8085, email: karen.delince@nypa.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, 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.

Public Service Commission

NOTICE OF ADOPTION

Transfer of Ownership Interests in Real Estate and Other Property

I.D. No. PSC-41-22-00020-A

Filing Date: 2022-12-29

Effective Date: 2022-12-29

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

Action taken: On 12/29/22, the PSC adopted an order approving Astoria Gas Turbine Power LLC (AGTP) and Beacon Wind Land LLC’s (Beacon Wind Land) joint petition for the transfer of ownership interests in real estate and other property from AGTP to Beacon Wind Land.

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

Subject: Transfer of ownership interests in real estate and other property.

Purpose: To approve a transfer of ownership interests in real estate and other property from AGTP to Beacon Wind Land.

Substance of final rule: The Commission, on December 29, 2022, adopted an order approving Astoria Gas Turbine Power LLC (AGTP) and Beacon Wind Land LLC’s (Beacon Wind Land) joint petition for the transfer of ownership interests in real estate and other property related to the 558 megawatt (MW) fuel oil/natural gas combustion turbine Astoria Generating Station in Astoria, New York from AGTP to Beacon Wind Land. AGTP and Beacon Wind Land shall file with the Secretary to the Public Service Commission a notice of the Ground Lease Agreement’s pending expiration, or earlier termination by either AGTP or Beacon Wind Land, at least 60 days prior to the anticipated date of such expiration or termination, indicating the date of such agreement’s anticipated expiration or termination. AGTP and Beacon Wind Land shall file with the Secretary to the Public Service Commission a notice of the Ground Lease Agreement’s expiration, or earlier termination by either AGTP or Beacon Wind Land, within three business days of such expiration or termination, indicating the date of such agreement’s expiration or termination, 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-41-22-00020-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-0535SA1)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Updated Recommendations for the Solicitation, Procurement, And/Or Installation of Qualified Energy Storage Systems

I.D. No. PSC-03-23-00004-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 New York’s 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage prepared by the New York State Energy Research and Development Agency and Department of Public Service Staff.

Statutory authority: Public Service Law, sections 5, 65, 66 and 74

Subject: Updated recommendations for the solicitation, procurement, and/or installation of qualified energy storage systems.

Purpose: To encourage energy storage deployment and establish an updated 2030 target and deployment program.

Substance of proposed rule: The Public Service Commission (Commission) is considering the New York's 6 GW Energy Storage Roadmap: Policy Options for Continued Growth in Energy Storage (6 GW Roadmap) filed on December 28, 2022 by New York State Energy Research and Development Authority (NYSERDA) and Department of Public Service (DPS) Staff.

The 6 GW Roadmap proposes a plan double the State's 2030 energy storage deployment target from 3 gigawatts (GW) of storage to 6 GW of storage by 2030 by updating and augmenting the 2018 Storage Roadmap that was filed in Case 18-E-0130 on June 21, 2018. Like the 2018 Roadmap, the 6 GW Roadmap analyzes various plausible energy storage "use-cases" and suggests policies, regulations, and initiatives that the Commission could implement in order to meet the increased installed energy storage system target of 6 GW. To reach the proposed 6 GW deployment goal by 2030, the 6 GW Roadmap indicates that roughly 4,700 MW of new projects would need to be procured and deployed in the coming years.

Specifically, the 6 GW Roadmap recommends that the Commission adopt an increased deployment target of 6 GW of energy storage by 2030 and direct NYSEDA to engage in procurements for both bulk programs and retail and residential programs. For bulk storage deployment, the 6 GW Roadmap suggests a two-pronged path that includes: 1) a new Index Storage Credit (ISC) mechanism – analogous to the "Index Renewable Energy Certificate" approach adopted by the Commission and currently applied in NYSEDA's offshore wind and onshore large-scale renewable procurements – would be used for the procurement by NYSEDA of 3,000 MW of bulk storage projects; and 2) a directive to the State's major Investor-Owned Utilities to study the potential of energy storage to provide non-market transmission and distribution services, and identify projects that provide cost-effective services when compared to traditional alternatives. For retail and residential storage programs, the 6 GW Roadmap proposes to extend the funding of the existing programs, following a design of region-specific blocks of funding similar to that used to date, to include the procurement by NYSEDA of 1,500 MW of program blocks for retail projects and 200 MW for residential storage programs.

The 6 GW Roadmap estimates the total cost of the proposed procurement programs to be between \$1.0 billion and \$1.7 billion while projecting that the 6 GW target would reduce projected future electric system costs by approximately \$2.0 billion. The costs associated with the procurements are proposed to be funded through different mechanisms for the bulk storage program and the retail and residential storage programs. For the bulk storage program, NYSEDA and DPS Staff recommend a payment obligation for jurisdictional Load-Serving Entities, in proportion to their share of Statewide load, similar to that used by Tiers 2, 3, and 4 of the Clean Energy Standard and the Offshore Wind Standard. Additionally, NYSEDA and DPS Staff recommend that New York Power Authority (NYPA) and Long Island Power Authority (NYPA) agree to participate voluntarily and accept ISC obligations in proportion to their share of Statewide load. For the retail and residential storage programs, NYSEDA and DPS Staff recommend a Clean Energy Fund-style collection, with a transparent pay-as-you-go methodology collected on a statewide MWh load ratio share basis. NYPA and LIPA would participate in collections on a MWh load share basis as well. NYSEDA and DPS Staff recommend \$539 million be approved for the procurement of 1,700 MW of retail and residential storage projects between 2023 and 2030 and administration of the retail and residential storage programs.

NYSEDA estimates that the costs of administering these programs would be approximately \$47.1 million (\$40.9 million for residential and retail programs and \$6.1 million for the bulk storage program). Of this total, approximately \$16.4 million of the Energy Storage 1.0 administrative budget is anticipated to be available and is requested to be utilized in this proposal, while approximately \$14.5 million in additional administrative funds is requested for administering the programs. Further, an additional \$13.1 million in funds is requested for implementation support and \$3.0 million for program evaluation. Accordingly, NYSEDA requests approximately \$39.6 million in additional funds for these purposes. Additionally, NYSEDA will allocate a proportionate share of the New York State Cost Recovery Fee (CRF) to the energy storage programs proposed under the 6 GW

Roadmap. NYSEDA requests \$8.9 million in new funding related to the CRF.

The updates provided in the 6 GW Roadmap are built on the progress and learning opportunities that have resulted since the 2018 Roadmap and previous energy storage goal. Moreover, the 6 GW Roadmap investigates everything from current progress and barriers to that progress, to the issue of utility-owned storage. Additionally, the 6 GW Roadmap serves as the Triennial Review of storage markets, policies, and programs as required under the Commission's 2018 Energy Storage Order issued in Case 18-E-0130 on December 13, 2018. Finally, there are a number of questions in the 6 GW Roadmap that are available for stakeholder comments that can be found in the "Questions for Stakeholder Comment" sections.

The full text of the 6 GW Roadmap 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.

(18-E-0130SP13)

Department of State

PROPOSED RULE MAKING HEARING(S) SCHEDULED

New York State Uniform Fire Prevention and Building Code (Uniform Code)

I.D. No. DOS-03-23-00003-P

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

Proposed Action: Amendment of Parts 1220, 1221 and 1226 of Title 19 NYCRR.

Statutory authority: Executive Law, sections 377 and 378(14)

Subject: New York State Uniform Fire Prevention and Building Code (Uniform Code).

Purpose: To amend the existing Uniform Code to amend provisions relating to hot tubs and spas.

Public hearing(s) will be held at: 10:00 a.m., March 22, 2023 at 99 Washington Ave., Rm. 505, Albany, NY.

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

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

Text of proposed rule: Section 1220.3 of Part 1220 of Title 19 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR) is amended to add new subdivisions (f) and (g) to read as follows:

(f) 2020 RCNYS Section 326.4.2 Permanent Barriers. Section 326.4.2 shall be deemed to be amended to read as follows:

[NY]R326.4.2 Permanent barriers. Swimming pools shall be completely

enclosed by a permanent barrier complying with Sections R326.4.2.1 through R326.4.2.6.

Exception: A hot tub or spa with a safety cover which complies with ASTM F1346 shall not be required to comply with section R326.4.2.

(g) 2020 RCNYS Chapter 44 Referenced Standards. The following publication shall be deemed to be added under ASTM International (ASTM):

F1346-91 (2018): Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs. (Sections of this document that reference this standard: R326.4.1, R326.4.2, R326.7).

Section 1221.3 of Part 1221 of Title 19 of the NYCRR is amended to add a new paragraph (4) to subdivision (a) and to add a new subdivision (b) to read as follows:

(4) The entry in Chapter 35 of the 2020 BCNYS for the publication entitled "Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs" in the list of referenced standards published by ASTM International (ASTM) shall be deemed to be amended to read as follows:

F1346-91 (2018): Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs. (Sections of this document that references this standard: 3109.3.1, 3109.3.2, 3109.5).

(b) 2020 BCNYS Section 3109.3.2 Permanent Barriers. Section 3209.3.2 shall be deemed to be amended to read as follows:

[NY]3109.3.2 Permanent barriers. Swimming pools, spas, and hot tubs shall be completely enclosed by a permanent barrier complying with Sections 3109.3.2.1 through 3109.3.2.6.

Exception: A hot tub or spa with a safety cover which complies with ASTM F1346 shall not be required to comply with section 3109.3.2.

Section 1226.3 of Part 1226 of Title 19 of the NYCRR is amended to add a new subdivision (b) to read as follows:

(b) 2020 PMCNYS Chapter 8 Referenced Standards. The entry in Chapter 8 of the 2020 PMCNYS for the publication entitled "Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs" in the list of referenced standards published by ASTM International (ASTM) shall be deemed to be amended to read as follows:

F1346-91 (2018): Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs. (Section of this document that references this standard: 303.3).

Text of proposed rule and any required statements and analyses may be obtained from: Jeanne Rice, Department of State, 99 Washington Ave., Suite 1160, Albany, NY 12231, (518) 473-2265, email: code.development@dos.ny.gov

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

Public comment will be received until: Five days after the last scheduled public hearing.

Additional matter required by statute: This proposed rule would amend the Uniform Fire Prevention and Building Code (Uniform Code) to include provisions addressing subdivision fourteen of Executive Law § 378, as amended by Chapter 651 of the Laws of 2022 and as will be amended by a Chapter of the Laws of 2023, as indicated in Approval Memorandum No. 33. The law became effective on November 23, 2022.

Executive Law § 378 provides that, except as otherwise provided by statute, no change to the building code shall become effective until at least ninety (90) days after the date on which notice of such change has been published in the State Register, unless the Code Council finds that (i) an earlier effective date is necessary to protect health, safety, and security; or (ii) the change to the code will not impose any additional compliance requirements on any person. The amendments to subdivision fourteen of Executive Law § 378 would allow for exceptions to certain code requirements relating to hot tubs and spas provided they are equipped with a safety cover compliant with ASTM F1346 (2003), or any similar standard approved by the Code Council. Upon adoption of the rule making, in order for the change to the Uniform Code to become effective on the date of publication in the State Register, which will necessarily be less than ninety (90) days after the date on which notice of such change has been published in the State Register, it is anticipated that the Code Council will find that the change to the code will not impose any additional compliance requirements on any person. See Executive Law § 378(19)(a).

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY

Article 18 of the Executive Law (§ 370-383) establishes the State Fire Prevention and Building Code Council (hereinafter "Code Council") and authorizes such council to formulate a code to be known as the Uniform Fire Prevention and Building Code (hereinafter "Uniform Code"). Execu-

tive Law § 377 provides that the Code Council may from time to time amend particular provisions of the Uniform Code.

This rule making would amend the current version of the Uniform Code to include provisions addressing subdivision fourteen of Executive Law § 378, as amended by Chapter 651 of the Laws of 2022 and as will be amended by a Chapter of the Laws of 2023, as indicated in Approval Memorandum No. 33. Effective November 23, 2022, Chapter 651 of the Laws of 2022 amends paragraph c of subdivision 14 of Section 378 of the Executive Law (as added by Chapter 75 of the Laws of 2007) to provide that a hot tub or spa with a safety cover which complies with ASTM F1346 (2003) or any similar standard approved by the Code Council, or a swimming pool with an automatic power safety cover which complies with ASTM F1436 (2003), or any similar standard approved by the Code Council, shall be exempt from the provisions of this subdivision. Based on Approval Memorandum No. 33, there will be a Chapter Amendment to clarify that the legislature only intended to exempt hot tubs and spas with safety covers from both the pool alarm and barrier requirements of subdivision 14 and that swimming pools with automatic powers safety covers would still only be exempt from the pool alarm requirements.

Consequently, it is the determination of the Department of State and the Code Council that Executive Law §§ 377 and 378, and Chapter 651 of the Laws of 2022 and Approval Memorandum No. 33, authorizes the proposed regulation.

2. LEGISLATIVE OBJECTIVES

The Department of State and the Code Council interpret the legislative objectives of subdivision fourteen of Executive Law § 378, as amended, to allow for exceptions to certain code requirements relating to hot tubs and spas provided they are equipped with a safety cover compliant with ASTM F1346 (2003), or any similar standard approved by the Code Council.

3. NEEDS AND BENEFITS

The purpose of this rule making is to amend provisions to the Uniform Code relating to hot tubs and spas. This change is necessary to comply with the recent statutory amendment to Executive Law § 378.

Currently, the Uniform Code requires permanent barriers to be installed around all swimming pools, spas, and hot tubs. However, the new legislation allows for an exception to these permanent barrier requirements for spas and hot tubs which are equipped with a safety cover meeting ASTM F1346 (2003), or any similar standard approved by the Code Council.

4. COST

a. COST TO REGULATED PARTIES FOR THE IMPLEMENTATION OF, AND CONTINUING COMPLIANCE, WITH THE PROPOSED RULE

The new provisions of the Uniform Code are not anticipated to have a cost impact on construction as they are adding an exception to certain code requirements relating to hot tubs and spas. There will be no cost for existing code-compliant hot tubs and spas, and the cost of installation of a new hot tub or spa may be reduced. Currently, even hot tubs and spas with safety covers must be enclosed by permanent barriers which meet code requirements. The proposed rule allows hot tubs and spas equipped with safety covers compliant with ASTM F1346 (2018) to be exempt from the permanent barrier requirements, thus reducing the cost for installation.

The cost of a barrier fence enclosing a hot tub or spa varies widely depending on fence material, fence dimensions, site characteristics, and other factors. However, a basic cost estimate for a 20-foot by 20-foot chain link fence complying with all barrier requirements varied between \$3800-\$5000 from local fence companies contacted by DOS staff.

The cost of a safety cover was found to vary between \$300-\$600 depending on insulation thickness and other cover options. Many hot tubs and spas are sold with an included cover, as utilizing an insulated cover significantly reduces the cost of maintaining a hot tub or spa. While not all insulated covers meet ASTM standards for safety covers, DOS staff found no significant difference in cost between these covers and covers which meet the ASTM standards.

b. COST TO THE AGENCY, THE STATE AND LOCAL GOVERNMENTS FOR THE IMPLEMENTATION OF, AND CONTINUED ADMINISTRATION OF, THE RULE

The Department of State will provide the necessary outreach to educate code enforcement personnel through mechanisms such as training, technical guidance documents, and e-bulletins.

Code enforcement personnel employed by the cities, towns, villages, and counties that are required to administer and enforce the Uniform Code will need to receive training regarding the new and amended provisions of the Uniform Code. However, such code enforcement personnel are already required by regulation (19 NYCRR Part 1208) to receive 24 hours of annual in-service training, and it is anticipated that the training needed to familiarize code enforcement personnel with the amendments to the Uniform Code to be implemented by this rule could be accomplished within that annual in-service training.

Local governments can obtain a copy of the rule on the Department of State's website at no cost.

5. LOCAL GOVERNMENT MANDATES

This proposed rule will not impose any new program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or another special district.

6. PAPERWORK

This proposed rule will not impose any additional reporting or record keeping requirements. No additional paperwork is anticipated.

7. DUPLICATION

This proposed rule does not duplicate any existing Federal or State requirement.

8. ALTERNATIVES

This rule making became necessary in light of the recent statutory amendments to Executive Law § 378 and Chapter 651 of the Laws of 2022 and as will be amended by a Chapter of the Laws of 2023, as indicated in Approval Memorandum No. 33. Consequently, the alternative of not amending the Uniform Code to add provisions relating to hot tubs and spas with safety covers was rejected.

The 2010 version of ASTM F1346, which is the currently referenced version in the Uniform Code, was compared to the 2018 version (the latest version). No substantial changes were found between the two versions. In an effort to keep the code as up-to-date as possible, the proposed rule references the latest version of ASTM F1346 (2018). The alternative – referencing the 2010 version of ASTM F1346 – was rejected, as no substantial changes were found between the versions, and utilizing the most recent version of the standard is best practice when such version does not change code requirements.

Public hearings will be held after a notice of proposed rule making has been published in the State Register in accordance with the provisions of the State Administrative Procedure Act. A draft of the proposed code will also be available on the Department's website and an e-bulletin will be sent announcing that fact.

9. FEDERAL STANDARDS

There are no federal standards that conflict with this rule.

10. COMPLIANCE SCHEDULE

The target date for filing a notice of adoption for this rule making is March 31, 2023. Upon adoption of the rule making the change to the Uniform Code will become effective upon publication in the State Register, which will be less than ninety days after the date on which notice of such change has been published in the State Register, as is permitted if the Code Council finds that the change to the code will not impose any additional compliance requirements on any person. See Executive Law § 378(19)(a).

Regulatory Flexibility Analysis**1. EFFECT OF RULE**

This proposed rule would amend the current version of the Uniform Fire Prevention and Building Code (Uniform Code) to include provisions addressing subdivision fourteen of Executive Law § 378, as amended by Chapter 651 of the Laws of 2022 and as will be amended by a Chapter of the Laws of 2023, as indicated in Approval Memorandum No. 33. The amendments to subdivision fourteen of Executive Law § 378 would allow for exceptions to certain code requirements relating to hot tubs and spas provided they are equipped with a safety cover compliant with ASTM F1346 (2003), or any similar standard approved by the Code Council.

The Uniform Code is applicable in all areas of the State with the exception of the City of New York; therefore, this rule would not apply in the City of New York.

2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS

This proposed rule will not change local government responsibility for administering and enforcing the Uniform Code. There will be no change in requirements for small businesses or local governments concerning reporting, record keeping, and other compliance requirements.

3. PROFESSIONAL SERVICES

Regulated parties will continue to rely upon professionals to advise them of the requirements of the Uniform Code. Building owners typically rely on professionals with respect to design, construction, and operation and maintenance of buildings because of their expertise in building regulations.

4. COMPLIANCE COSTS

The new provisions of the Uniform Code are not anticipated to have a cost impact on construction as they are adding an exception to certain code requirements relating to hot tubs and spas. The proposed new provisions of the Uniform Code have been developed in response to amendments to Executive Law § 378 and Chapter 651 of the Laws of 2022 and as will be amended by a Chapter of the Laws of 2023, as indicated in Approval Memorandum No. 33.

Code enforcement personnel employed by the cities, towns, villages, and counties that are required to administer and enforce the Uniform Code will need to receive training regarding the new provisions of the Uniform Code. However, such code enforcement personnel are already required by

regulation (19 NYCRR Part 1208) to receive 24 hours of annual in-service training, and it is anticipated that the training needed to familiarize code enforcement personnel with the revised Uniform Code to be implemented by this rule could be accomplished within that annual in-service training.

Regulated parties, local governments, and design professionals can obtain a copy of this rule on the Department of State's website at no cost.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY

The new code provisions proposed for adoption by this rule making allow for exceptions to certain code requirements relating to hot tubs and spas provided they are equipped with a safety cover compliant with ASTM F1346 (2003), or any similar standard approved by the Code Council. Many hot tubs and spas are sold with an included cover, as utilizing an insulated cover significantly reduces the cost of maintaining a hot tub or spa. While not all insulated covers meet ASTM standards for safety covers, DOS staff found no significant difference in cost between these covers and covers which meet the ASTM standards.

6. MINIMIZING ADVERSE IMPACT

The Department of State will provide the necessary outreach to educate code enforcement personnel through mechanisms such as training, technical guidance documents, and e-bulletins. As the health, safety, and security of the people of the State are at issue, exemption from coverage by the rule was not considered an option for minimizing the impact on local governments and/or small businesses.

7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION

The Department of State will notify interested parties throughout the State of the proposed rule by means of notices posted on the Department's website and published in Building New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry. Building New York is prepared by the Department of State and is currently distributed to approximately 10,000 subscribers, including local governments, design professionals, and others involved in all aspects of the construction industry. A draft of the proposed new code text will be posted on the Department's website, and a Building New York e-bulletin announcing that fact will be issued. Further notification and opportunity to participate in the rule making process involved with consideration of adopting this rule will be provided by way of a public comment period that will commence upon publication of this Notice in the State Register.

8. VIOLATIONS AND PENALTIES ASSOCIATED WITH VIOLATIONS

This rule will not directly establish or modify a violation, and this rule will not establish or modify penalties associated with a violation. However, this rule will amend requirements within the Uniform Code. A violation of the requirements added by this rule will be a violation of the Uniform Code. See Executive Law § 382 (2).

Rural Area Flexibility Analysis**1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:**

This proposed rule would amend the current version of the Uniform Fire Prevention and Building Code (Uniform Code) to include provisions addressing subdivision fourteen of Executive Law § 378, as amended by Chapter 651 of the Laws of 2022 and as will be amended by a Chapter of the Laws of 2023, as indicated in Approval Memorandum No. 33. The amendments to subdivision fourteen of Executive Law § 378 would allow for exceptions to certain code requirements relating to hot tubs and spas provided they are equipped with a safety cover compliant with ASTM F1346 (2003), or any similar standard approved by the Code Council.

The Uniform Code is applicable in all areas of the State with the exception of the City of New York. Therefore, adoption of this rule making will apply to all rural areas of the State.

2. REPORTING, RECORDING KEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES:

This proposed rule will have no significant impact on reporting and record-keeping requirements in rural areas or elsewhere in New York. Building owners and operators in rural areas will continue to be required to comply with requirements of the Uniform Code for building construction, for operation, and maintenance of newly constructed buildings and for maintenance of existing buildings. There will be some changes in these requirements with the new text of the Uniform Code. Regulated parties will continue to rely upon professionals to advise them of the requirements of the Uniform Code. Building owners typically rely on professionals for their expertise in building regulations with respect to design, construction and operation, and maintenance of buildings. The need for professionals in rural areas does not differ from such need in non-rural areas.

3. COSTS:

The new provisions of the Uniform Code are not anticipated to have a cost impact on construction as they are adding an exception to certain code requirements relating to hot tubs and spas. The proposed new provisions of the Uniform Code have been developed in response to amendments to Executive Law § 378 and Chapter 651 of the Laws of 2022 and as

will be amended by a Chapter of the Laws of 2023, as indicated in Approval Memorandum No. 33. Any associated costs are expected to occur in rural communities as well as urban and suburban areas of the State. Please see the Cost section of the Regulatory Impact Statement for further details with respect to the anticipated cost.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule requires uniform standards for building construction and fire prevention in all areas of the State with the exception of New York City, where only State buildings and structures must conform to the Uniform Code. The proposed rule will require compliance and reporting requirements similar to those required by the current provisions of the Uniform Code. As the health, safety, and welfare of the people of New York are at issue, exemption from coverage by the rule was not considered an option for minimizing impact on rural areas.

5. RURAL AREA PARTICIPATION:

The Department of State will notify interested parties throughout the State of the proposed rule by means of notices posted on the Department's website and published in Building New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry. Building New York is prepared by the Department of State and is currently distributed to approximately 10,000 subscribers, including local governments, design professionals and others involved in all aspects of the construction industry. A draft of the proposed rule text will be posted on the Department's website, and a Building New York e-bulletin announcing that fact will be issued. Further notification and opportunity to participate in the rule making process involved with consideration of adopting this rule on a permanent basis will be provided by way of a public comment period that will commence upon publication of this Notice in the State Register.

Job Impact Statement

The Department of State has determined that it is apparent from the nature and purpose of the proposed rule making that it will not have a substantial adverse impact on jobs and employment opportunities.

This proposed rule would amend the current version of the Uniform Fire Prevention and Building Code (Uniform Code) to include provisions addressing subdivision fourteen of Executive Law § 378, as amended by Chapter 651 of the Laws of 2022 and as will be amended by a Chapter of the Laws of 2023, as indicated in Approval Memorandum No. 33. The amendments to subdivision fourteen of Executive Law § 378 would allow for exceptions to certain code requirements relating to hot tubs and spas provided they are equipped with a safety cover compliant with ASTM F1346 (2003), or any similar standard approved by the Code Council.

As a consequence, the Department of State concludes that this rule will not have a substantial adverse impact on jobs and employment opportunities in New York State.

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Environmental Conservation, Department of		
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> <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/proprotegrulations.html.</p> <p>Persons who wish to receive the instructions by mail or telephone may call the Department at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Parts 597, 598, and 613 public comment hearing.</p> <p>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).</p> <p>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.</p> <p>Additional hearing or rulemaking questions can be directed to Jenn Dawson at derweb@dec.ny.gov.</p>
ENV-46-22-00005-P	Petroleum Bulk Storage (PBS)	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.

Instructions on how to “join” the hearing webinar and provide an oral statement will be published on the Department’s proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 by November 18, 2022. The proposed regulations webpage for 6 NYCRR Parts 597, 598, and 613 may be accessed at: <https://www.dec.ny.gov/regulations/propregulations.html>.

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

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

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

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

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

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

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

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

The Department will provide interpreter services for hearing impaired persons, and language interpreter services for individuals with difficulty understanding or reading English, at no charge upon written request submitted no later than January 13, 2023. The written request must be addressed to ALJ Jennifer Ukeritis, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or e-mailed to ALJ Ukeritis at ohms@dec.ny.gov.

Virtual via Webex—March 1, 2023, 1:00 p.m.

Virtual via Webex—February 28, 2023, 1:00 p.m.

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

Department of Public Service, 19th Fl. Board Rm., Three Empire State Plaza, Albany, NY—May 2, 2023 and continuing daily as needed, 10:30 a.m. (Evidentiary Hearing)*

*On occasion, the evidentiary hearing date may be rescheduled or postponed. In that event, notification of any subsequent scheduling changes will be available at the DPS website (www.dps.ny.gov) under Case No. 22-S-0659.

ENV-52-22-00015-EP..... Advanced Clean Car (ACC) Standards
 ENV-52-22-00016-EP..... Medium- and Heavy-Duty Diesel Vehicle Emission Standards

Long Island Power Authority

LPA-51-22-00007-P Time of Day Rates for Residential Customers

Public Service Commission

PSC-02-23-00025-P Proposed Major Rate Increase in Con Edison’s Annual Revenues by \$137 million

State, Department of

DOS-03-23-00003-P New York State Uniform Fire Prevention and Building Code (Uniform Code)

Department of State, 99 Washington Ave., Albany, NY—March 22, 2023, 10:00 a.m.

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

AGE-43-22-00001-P 10/26/23	Service provision under the Expanded In-home Services for the Elderly Program and Home-Delivered Meals.	To provide flexibility in strict compliance with certain requirements relating to client assessments when not practicable.
AGE-02-23-00020-P	..... 01/11/24	Nutrition Program	The purpose of this rule is to update the regulations governing the Nutrition Program

ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

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
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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
CIVIL SERVICE, DEPARTMENT OF			
CVS-41-22-00003-P	10/12/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-22-00004-P	10/12/23	Jurisdictional Classification	To delete positions from and to classify positions in the exempt class.
CVS-41-22-00005-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-41-22-00006-P	10/12/23	Jurisdictional Classification	To delete positions from and classify a position in the non-competitive class
CVS-41-22-00007-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-41-22-00008-P	10/12/23	Jurisdictional Classification	To delete a subheading and positions from and to add a subheading and classify positions in the exempt class
CVS-41-22-00009-P	10/12/23	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-22-00010-P	10/12/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-22-00011-P	10/12/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-41-22-00012-P	10/12/23	Jurisdictional Classification	To classify a position in the exempt class and to classify positions in the non-competitive class
CVS-41-22-00013-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class and to classify positions from the non-competitive class
CVS-41-22-00014-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-41-22-00015-P	10/12/23	Jurisdictional Classification	To classify positions in the exempt class.
CVS-45-22-00001-P	11/09/23	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-45-22-00002-P	11/09/23	Jurisdictional Classification	To classify a position in the exempt class.
CVS-45-22-00003-P	11/09/23	Jurisdictional Classification	To classify a position in the non-competitive class

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

Action Pending Index

NYS Register/January 18, 2023

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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.
CVS-02-23-00001-P	01/11/24	Jurisdictional Classification	To classify a position in the exempt class and to classify a position in the non-competitive class
CVS-02-23-00002-P	01/11/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-02-23-00003-P	01/11/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-02-23-00004-P	01/11/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-02-23-00005-P	01/11/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-02-23-00006-P	01/11/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-02-23-00007-P	01/11/24	Jurisdictional Classification	To classify a position in the exempt class
CVS-02-23-00008-P	01/11/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-02-23-00009-P	01/11/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-02-23-00010-P	01/11/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-02-23-00011-P	01/11/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-02-23-00012-P	01/11/24	Jurisdictional Classification	To classify a position in the exempt class.
CVS-02-23-00013-P	01/11/24	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-02-23-00014-P	01/11/24	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-02-23-00015-P	01/11/24	Jurisdictional Classification	To delete positions from and to classify positions in the non-competitive class
CVS-02-23-00016-P	01/11/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-02-23-00017-P	01/11/24	Jurisdictional Classification	To classify positions in the exempt class.
CVS-02-23-00019-P	01/11/24	Jurisdictional Classification	To add subheadings and to classify positions in the non-competitive 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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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-ERP	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
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 conform the regulations to the amendments made to Education Law § 2801-a by Chapter 227 of the Laws of 2022

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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.
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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-03-23-00002-P	01/18/24	Virtual Currency Licensee Assessments	To set forth the basis for allocating costs and expenses attributable to virtual currency businesses for FSL assessments
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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-42-22-00002-P	10/19/23	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.
HLT-43-22-00003-EP	10/26/23	Monkeypox Virus to the List of Sexually Transmitted Diseases (STDs)	To add the Monkeypox Virus to the list of sexually transmitted diseases (STDs).
HLT-46-22-00003-P	11/16/23	Repeal of Zika Action Plan; Performance Standards	To repeal regulatory provisions which are no longer applicable.
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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LAKE GEORGE PARK COMMISSION			
LGP-36-22-00006-P	11/09/23	Addition of Waste Water Management Regulations within the Lake George Park	The proposed regulations are intended to protect the waters of Lake George from wastewater pollution
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-17-22-00012-P	exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
LPA-17-22-00014-P	exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LPA-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.

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
MTA-02-23-00018-EP	01/11/24	Rules of conduct for persons entering and using Grand Central Madison Terminal and its related facilities	To facilitate the proper use of Grand Central Madison Terminal and ensure the safety of employees, customers and the public
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF			
PKR-30-22-00001-P	..... 07/27/23	Listing of state parks, parkways, recreation facilities and historic sites (facilities) and address/contact updates	To update the listing of state parks, parkways, recreation facilities and historic sites and the address/contact information
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-07-22-00004-EP	..... 02/16/23	Certification of the Facility Class Known as Individualized Residential Alternative	To increase IRA capacity in cases of emergent circumstances
PDD-07-22-00005-EP	..... 02/16/23	General Purpose	To increase IRA capacity in cases of emergent circumstances
PDD-10-22-00010-EP	..... 03/09/23	Training Flexibilities	To provide flexibility in training requirements
PDD-26-22-00005-P	..... 06/29/23	Gender Identity and Expression	To ensure people are treated with dignity and respect
PDD-46-22-00002-P	..... 11/16/23	Family Care Homes for People With Developmental Disabilities	To clarify terminology and limit the number of individuals residing in family care homes
PDD-49-22-00004-P	..... 12/07/23	Protection of Individuals Receiving Services	To add clarity and consistency
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-03-23-00005-P	..... exempt	Rates for the Sale of Power and Energy	Maintain system's fiscal integrity. This increase in rates does not result from Power Authority's rate increase to the Village
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

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PUBLIC SERVICE COMMISSION			
*PSC-07-02-00032-P exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

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PUBLIC SERVICE COMMISSION			
*PSC-28-04-00006-P exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer

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PUBLIC SERVICE COMMISSION			
*PSC-50-05-00008-P exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs	To ensure consumer protection for ESCO customers
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense	To consider deferring costs of conducting leak survey and repairs for subsequent recovery
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018	To extend the time period between the Companies' third-party assessments of customer personally identifiable information
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework	To determine appropriate rules for and calculation of the distributed generation reliability credit
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs	To consider participation of NYPA customers in surcharge-funded clean energy programs
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks	To evaluate proposed methodologies of benefit-cost evaluation
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs	To authorize the use of escrow account funds for repairs
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service	To consider the recovery of costs for installation of electric service
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP)	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for RG&E
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs	To consider the implementation of EAMs for NYSEG
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge	To consider revisions to the Dynamic Load Management surcharge
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms	To consider the establishment and implementation of Earnings Adjustment Mechanisms
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry	Improved data access
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspirtly for its non-compliance with Commission requirements	To ensure the provision of safe and adequate energy service at just and reasonable rates
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements	To promote and maintain renewable and zero-emission electric energy resources
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report	To ensure safe and adequate gas service
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and energy efficiency protections are in place
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment	To ensure that customer bills are based on accurate measurements of gas usage
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings	To reduce damage to underground utility facilities by requiring certain training and approving training curricula
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals
*PSC-04-19-00011-P	..... exempt	Update of revenue targets	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements	To insure the provision of safe and adequate energy service at just and reasonable rates
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program	To encourage enhanced services for low-income customers
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations	To consider the terms and conditions applicable to gas service
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation	To determine if the proposed merger is in the public interest
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges	To provide qualifying residential customers with an optional three-part rate
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York	To promote and maintain renewable electric energy resources
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy	To consider modifications to certain conditions regarding utility low-income discount programs
*PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020
*PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators
*PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by Central Hudson
*PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program
*PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements
*PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To provide cost recovery for new DLM programs and prevent double compensation to participating customers
*PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity
*PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies
*PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program	To address the economic impacts of the COVID-19 pandemic
*PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent	To encourage consumer protections and safe and adequate service
*PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory
*PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations
*PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water’s service	To determine if approving the DPS Staff’s recommendations is in the public interest
*PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers
*PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation’s Monthly Gas Supply Charge provisions	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its “Energy Savings Program” to mass market customers
*PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources
*PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers
*PSC-04-21-00016-P	..... exempt	Request for a waiver	To consider whether good cause exists to support a waiver of the Commission’s Test Period Policy Statement
*PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-21-00016-P	..... exempt	Revised distribution strategies and reallocation of remaining funding	To ensure the appropriate use of funding reserved for gas safety programs
*PSC-17-21-00005-P	..... exempt	Submetering equipment	To consider use of submetering equipment and if it is in the public interest
*PSC-17-21-00006-P	..... exempt	Community Choice Aggregation and Community Distributed Generation	To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation
*PSC-17-21-00007-P	..... exempt	Utility studies of climate change vulnerabilities	To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities
*PSC-18-21-00004-P	..... exempt	Community Choice Aggregation programs	To modify and improve Community Choice Aggregation programs in New York State

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-21-00006-P	..... exempt	Community Choice Aggregation renewable products	To consider waiving the locational and delivery requirements for RECs purchased to support renewable CCA products
*PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY	To address the proposed transfer and any matters within the public interest
*PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits
*PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies	To study the efficacy of using AMI to disconnect electric service during gas system emergencies
*PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard
*PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers
*PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators in New York State
*PSC-36-21-00006-P	..... exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
*PSC-37-21-00009-P	..... exempt	Procedures necessary to implement Tax Law Section 187-q	To establish procedures by which eligible utility-taxpayers can have the amounts of certain waived customer arrears certified
*PSC-37-21-00010-P	..... exempt	Zero emitting electric generating facilities that are not renewable energy systems	To consider modifications to the Clean Energy Standard

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-37-21-00011-P	..... exempt	Green Button Connect implementation	To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document
*PSC-37-21-00012-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers
*PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-38-21-00007-P	..... exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
PSC-03-22-00004-P	..... exempt	Proposal by electric utilities on a coordinated electric grid planning process	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals
PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-06-22-00009-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-12-22-00010-P	..... exempt	Proposed major rate increase in Liberty SLG's gas revenues	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-13-22-00006-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$500 million (or 18.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-13-22-00009-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition
PSC-13-22-00014-P	..... exempt	Petition to develop and construct local transmission projects and to allocate and defer associated costs	To ensure safe and adequate service at just and reasonable rates and to support the State's clean energy and climate goals
PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on an opt-out basis in New York State
PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
PSC-18-22-00007-P	..... exempt	Extension of deadline	Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units
PSC-19-22-00021-P	..... exempt	Brooklyn Clean Energy Hub and cost recovery	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation
PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff
PSC-20-22-00009-P	..... exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
PSC-20-22-00011-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
PSC-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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-32-22-00022-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility.	To ensure appropriate regulation of a new electric corporation.
PSC-32-22-00023-P	..... exempt	Bioenergy generation in New York.	To consider compensation for bioenergy generation.
PSC-33-22-00006-P	..... exempt	Use of gas metering equipment.	To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage.
PSC-33-22-00008-P	..... exempt	Gas moratorium consumer protections.	To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service.
PSC-33-22-00009-P	..... exempt	Use of electric metering equipment.	To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage.
PSC-34-22-00005-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-38-22-00008-P	..... exempt	Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.
PSC-38-22-00009-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00010-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-39-22-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-39-22-00007-P	..... exempt	Transfer of indirect ownership of cable television facilities and 27 municipal franchises.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest.
PSC-39-22-00008-P	..... exempt	Proposed service territory extension, waiver, and tariff revisions.	To determine if proposed territory extension, waiver, and tariff revisions are in the public interest.
PSC-40-22-00003-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-22-00004-P	..... exempt	Sale of real property and granting of a permanent easement.	To determine whether to authorize the proposed sale and grant the permanent easement as well as the proper accounting treatment.
PSC-40-22-00005-P	..... exempt	Transfer of street light facilities.	To consider the transfer of street lighting facilities and the proper accounting treatment.
PSC-40-22-00007-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-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00017-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00018-P	..... exempt	Demand side management programs.	To consider proposed demand side management programs and cost recovery.
PSC-42-22-00019-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00020-P	..... 10/19/23	Technical amendments of state regulations and administrative corrections.	To align 16 NYCRR Part 753 with recent changes in state laws and clarify the responsibilities of excavators.
PSC-43-22-00006-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-22-00007-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-22-00008-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-43-22-00009-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-44-22-00002-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-44-22-00003-P	..... exempt	Proposed draft tariff amendments.	To document and refine moratorium management procedures that seek to minimize hardships in the event a future moratorium occurs.
PSC-45-22-00018-P	..... exempt	Transfer of a half interest in utility poles.	To determine if the transfer of the ownership interest is in the public interest.
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.

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
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.
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 .
PSC-02-23-00021-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-02-23-00022-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-02-23-00023-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
PSC-02-23-00024-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-02-23-00025-P	..... exempt	Proposed major rate increase in Con Edison's annual revenues by \$137 million.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-02-23-00026-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-03-23-00004-P	..... exempt	Updated recommendations for the solicitation, procurement, and/or installation of qualified energy storage systems.	To encourage energy storage deployment and establish an updated 2030 target and deployment program.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
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.
DOS-03-23-00003-P	03/21/24	New York State Uniform Fire Prevention and Building Code (Uniform Code)	To amend the existing Uniform Code to amend provisions relating to hot tubs and spas
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-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.
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
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.

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

REPLACE AIR HANDLING UNIT Hutchings Psychiatric Center Syracuse, Onondaga County

Sealed bids for Project Nos. M3185-H and M3185-E, comprising separate contracts for HVAC Work and Electrical Work, Replace Air Handling Unit, Building 14, Hutchings Psychiatric Center, 620 Madison Street, Syracuse (Onondaga County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, January 25, 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 of \$39,000 for H and \$8,400 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 \$500,000 and \$1,000,000 for H and between \$50,000 and \$100,000 for E.

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

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

reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

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

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

The substantial completion date for this project is 489 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 11, 2023, at 620 Madison Street, Syracuse, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Michael Constabile or Peggy Strong (315-428-4419) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction's plan room hosting service, Bid Express. Vendors wishing to view

and/or download bid documents must complete a one-time registration for the Bid Express service. There is no cost to register for Bid Express. Registration along with viewing and downloading of documents can be accessed at the following link: <http://www.bidexpress.com>

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

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

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

By OGS - Design & Construction Group

PROVIDE
UTILITY/LANDSCAPE IMPROVEMENTS
 New York State Fairgrounds
 Syracuse, Onondaga County

Sealed bids for Project Nos. 47303-C and 47303-E, comprising separate contracts for Construction Work, and Electrical Work, Provide Utility & Landscape Improvements, Cheyenne Street Re-Development, New York State Fairgrounds, 581 State Fair Boulevard, Syracuse (Onondaga 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 Agriculture & Markets, until 2:00 p.m. on Wednesday, January 25, 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 of \$38,100 for C, and \$22,500 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 \$500,000 and \$1,000,000 for C, and between \$250,000 and \$500,000 for E.

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

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

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

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

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

The substantial completion date for this project is August 11, 2023.

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 12, 2023, at the NYS Fairgrounds, Gate 2, 581 State Fair Blvd, Syracuse, 13209. 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 Mike Sawitz (315-956-2553) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, and 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 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

REMOVE
PERIMETER FENCE SECURITY COIL
 Mt. McGregor Correctional Facility
 Wilton, Saratoga County

Sealed bids for Project No. 47466-C, comprising a contract for Construction Work, Remove Perimeter Fence Security Coil, Mt. McGregor Correctional Facility, 1000 Mt McGregor Road, Wilton (Saratoga County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C) ivision 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 25, 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 of \$23,300 for C).

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

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

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

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

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

The substantial completion date for this project is 98 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job

site to take field measurements and examine existing conditions of the project area will be at 1:00 p.m. on January 11, 2023, at Mount McGregor CF, 1000 Mt McGregor Road, Wilton, NY 12831. 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 Lindsay Breault (518-639-5554) 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 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% 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: 0% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

REMOVE
PERIMETER FENCE SECURITY COIL
 Ogdensburg Correctional Facility
 Ogdensburg, St. Lawrence County

Sealed bids for Project No. 47467-C, comprising a contract for Construction Work, Remove Perimeter Fence Security Coil, Ogdens-

burg Correctional Facility, 1 Correction Way, Ogdensburg (St. Lawrence 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 25, 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 of \$31,700 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

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

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

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

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

The substantial completion date for this project is 98 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 12, 2023, at 1 Correction Way, Visitors Hospitality Center, Ogdensburg, NY 13669. 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 Allison Sayer (315-744-3186) 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 0% for MWBE participation, 0% for Minority-Owned Business Enterprises ("MBE") participation and 0% 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: 0% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

REMOVE
PERIMETER FENCE SECURITY COIL
 Willard Drug Treatment Center
 Willard, Seneca County

Sealed bids for Project No. 47469-C, comprising a contract for Construction Work, Remove Perimeter Fence Security Coil, Willard Drug Treatment Center, 7116 Co Rd 132, Willard (Seneca 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 25, 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 of \$24,400 for C).

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

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

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

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

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

The substantial completion date for this project is 98 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 13, 2023, at OGS Willard Field Office, Willard Road - Route 96-A, Grandview Building, Willard, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Brad Young (607-425-3366) 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 0% for MWBE participation, 0% for Minority-Owned Business Enterprises (“MBE”) participation and 0% 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: 0% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE

Department of State
F-2022-0666

Date of Issuance – January 18, 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. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0666.pdf>

In F-2022-0666 or the "Admiral's Cove Project", the applicant – Admiral Cove Holdings LLC – proposes to construct a shoreline stabilization system. The project consists of a new stone retaining wall which will be constructed landward of the MHW line. A small existing drainage ditch will be filled with 13.8 cubic yards. The proposed stone retaining wall will tie into the existing concrete block wall to the north and the existing natural stone edge to the south.

The proposed project location is on Girling Drive in the Village of Haverstraw, Rockland County on Flowers Gap embayment. The purpose of this project is to provide bank stabilization.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, February 17, 2023.

Comments should be addressed to: Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2022-0688

Date of Issuance – January 18, 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-2022-0688, Rhys Cosma proposes to replace the entire bulkhead in-place, move two 5' x 12' jet ski floats, extend pier to 30' long and install 4-pile boat lift within 31' seaward to avoid navigation issues at Six Beach Road, on the Alhambra Canal, Town of Oyster Bay, Nassau County.

The stated purpose of the proposed action is to utilize boat and jet skis for water dependent recreation.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0688-cosmaconsistcert.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 2, 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-2022-0701

Date of Issuance – January 18, 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. The applicant's consistency certification and accompanying public information and data are

available for inspection on the New York State Department of State's website at <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0701.pdf>

In F-2022-0701 or the "NYS Route 5 Water Benefit District No. 2", the applicant – the Town of Westfield – proposes approximately 23,000 linear feet of 12 inch and 6 inch DR-18 PVC pipe. The purpose of the project is to provide safe and reliable potable water supply and fire protection to residents in the Town of Westfield.

The water main improvements will be located along portions of NYS Route 5, Persons Road, Woodlawn Drive, Hawthorne Avenue, Sycamore Lane, and McKinley Road in the Town of Westfield, Chautauqua County.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or, February 17, 2023.

Comments should be addressed to: Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2022-0716

Date of Issuance – January 18, 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-2022-0716, 289 Noyack LLC, is proposing to construct a 4' x 18' fixed pier catwalk, 4' x 53' gradual slope ramp (4.5 feet above grade at wetlands), a 4' x 43' low profile catwalk, a 4' x 6' drop platform, and a kayak rack landward of MHW. 289 Noyack Rd, Town of Southampton, Suffolk County, North Sea Harbor.

The stated purpose of the proposed action is to "provide safe pedestrian access down to a residential dock providing access to riparian waters for recreational purposes".

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0716.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 17, 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-2022-0737

Date of Issuance – January 18, 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-2022-0737, Ducks Unlimited proposes to Restore open water habitat by creating small potholes totaling up to 10.06 acres and 4969 feet of interconnecting channels in cattail marsh in Lakeview Marsh Wildlife Management Area to enhance 180 acres of coastal wetland that is currently degraded.

Town of Ellisburg, Jefferson County, Mud Creek/Lakeview Marsh.

The stated purpose of the proposed action is to enhance currently degraded coastal wetland.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0737consistcert.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): Lakeview Marsh - https://dos.ny.gov/system/files/documents/2020/03/lakeview_marsh.pdf

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 2, 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-2022-0856

Date of Issuance – January 18, 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-2022-0856, Annemarie Cook is proposing the installation of a 150' of steel breakwall in the same location of the old existing concrete wall. The site is located on Sodus Bay, at 6744 Briscoe Cove, North Rose, NY, 14516, Wayne County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0856cook.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or February 17, 2023.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consis-

tency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2022-0972

Date of Issuance – January 18, 2022

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

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2022-0972, The Town of Oswego is proposing to replace two culverts with new culverts of the same size. A 48" culvert and a 12" culvert will be installed at the approximate same horizontal location under the roadway as the current ones. The two culverts will have slightly different inverts than the original ones. The roadway would be raised approximately 2' over the area where the elevation is low using asphalt pavement and various gravel or crushed stone subbase courses. Outside the roadway, grades will be raised. A 24" culvert and headwall at the current Lake Ontario outfall will be removed and a stacked quarry stone channel will be installed.

The proposed work is for a portion of West Lake Road just west of Seagull Rock Drive and associated outfall on Lake Ontario in the Town of Oswego, Oswego County.

The stated purpose of the proposed action is to replace two failing culverts under West Lake Road and the outfall to Lake Ontario which are contributing to the flooding of West Lake Road and adjacent residential properties during adverse weather effects or when the lake levels are high. The outfall of the drainage area is continually blocked by beach cobbles which contribute to regular flooding. Additionally, road elevation will be raised at low point to help prevent further flood events.

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-2022-0972publicnotice.pdf> with project plans at <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0972plans.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 February 2, 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-2022-0979

Date of Issuance – January 18, 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-2022-0979, the Town of Ripley, is proposing to install 14,500 linear feet of watermain along roadways in the Town of Ripley, Chautauqua County including East Lake Road (NYS Route 5), Forsyth Road, Bauers Lane and Ripley Beach Road. Watermain would be between 4" and 8". The proposal includes crossing four minor tributaries to Lake Erie. The watermain would be installed by open cut trench utilizing a cofferdam at three of the tributary crossings and by directional drill at the fourth crossing. Any disturbance to regulated wetland would be temporary with the areas being restored to pre-construction conditions.

The stated purpose of the proposed action is to "provide safe and reliable potable water supply and fire protection to residences in the proposed Town of Ripley Water District No. 4."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/01/f-2022-0979publicnotice.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 17, 2023.

Comments should be addressed to: Consistency Review Unit, Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

Uniform Code Variance/Appeal Petitions

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

2022-0701 in the Matter of Whitelaw Architects, Andrew Whitelaw, 294 Upper Shad Road, Pound Ridge, NY 10576, for a variance concerning safety requirements, including a pedestrian access ramp. Involved is a six story multiple residence building located at 209 Garth Road, Town of Eastchester, NY 10583, County of Westchester, State of New York.

2022-0702 in the Matter of Michael J. Reape, 64 Pleasant Road, Lake Peekskill, NY 10537, for a variance concerning safety requirements, including stairway headroom. Involved is a one family dwelling located at 32 Starview Avenue, Town of Putnam Valley, NY 10579, County of Putnam, State of New York.

2022-0703 in the Matter of FCS Consultants, LLC, Peter J. Miley, 2641 Evergreen Street, Yorktown Heights, NY 10598, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at Seven Mead Road, Town of North Castle, NY 10504, County of Westchester, State of New York.

2022-0704 in the Matter of Gabriel Koche CE Architect LLC, Gabriel Koche CE, 280 Warburton Avenue, Hasting On Hudson, NY 10706, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 10 Oxford Road, Village of Hastings On Hudson, NY 10706, County of Westchester, State of New York.

2022-0706 in the Matter of Lewis And Lewis Architects, Paige Lewis, 144 Larchmont Avenue, Unit One, Larchmont, NY 10538, for a variance concerning safety requirements, including permanent barriers. Involved is a one family dwelling located at 10 Summit Avenue, Village of Larchmont, NY 10538, County of Westchester, State of New York.

2022-0707 in the Matter of Scarlato Architects, John G. Scarlato, Jr., 33 Byram Hill Rd., Armonk, NY 10504, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 68 Talcott Road, Village of Rye Brook, NY 10573, County of Westchester, State of New York.

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Department of State

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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.

2023-0001 in the Matter of Salvatore Alini, RA, 17 Bonnett Avenue, Larchmont, NY 10538, for a variance concerning safety requirements, including stair head height. Involved is a one family dwelling located at Nine Bonnett Avenue, Village of Larchmont, NY 10538, County of Westchester, State of New York.

2023-0002 in the Matter of Thomas Harberson Architectural Services, Thomas Harberson, 774 Pinesbridge Road, Ossining, NY 10562, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 178 Schrade Road, Village of Briarcliff Manor, NY 10562, County of Westchester, State of New York.