
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 June 4, 2023
- the 45-day period expires on May 20, 2023
- the 30-day period expires on May 5, 2023

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

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

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

Office of Cannabis Management

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Cannabis Research License

I.D. No. OCM-14-23-00011-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 132 to Title 9 NYCRR.

Statutory authority: Cannabis Law, sections 13, 38 and 43

Subject: Cannabis Research License.

Purpose: The proposed rule establishes the application process, requirements and prohibitions associated with the Cannabis Research License.

Substance of proposed rule (Full text is posted at the following State website: cannabis.ny.gov): These proposed regulations add a new Part to Chapter II of Subtitle B of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York, regulating cannabis research licenses in New York State, to be effective upon publication of a Notice of Adoption in the New York State Register.

§ 132.1 Definitions. Section 132.1 defines terms used in Part 132, including but not limited to, “human subject or research participant”, “informed consent”, “institutional review board or IRB”, “investigational product”, “principal investigator or PI”, and “research project or study”.

§ 132.2 General Provisions. Contains general provisions of the research licensee, including but not limited to, requirements for allowable research activities and research activities that shall not require a research license, restrictions on investigational products entering the medical or adult-use supply chain, transportation requirements, and contractual requirements between research licensees and licensees, permittees, and registrants approved by the Board. This section also includes language which would

disclaim any endorsement by the Office on the research projects under any research license and that any publication must include such disclaimer language as described in the regulation.

§ 132.3 Applying for a License. Provides the application process by which an applicant may obtain a research license, including but not limited to, the form and information required on an application, information regarding all research projects, including, but not limited to, details on projected goals and outcomes of the research project(s), proof of ethical safeguards for human or animal participants where applicable, source of investigational products or cultivation information, where applicable, affiliate organization information, application, licensing, renewal and additional research project registration fees, and reasons for denial of a research license by the Board and the process the Board will use to notify the applicant of their denial.

§ 132.4 Acquisition of Investigational Products. Describes how the research licensee may acquire cannabis, cannabis-derived products, and cannabis-related products for research purposes, possession limits with those acquisitions, the parameters where a research licensee shall sell or donate investigational products to another research licensee and the procedures around such sale or donation.

§ 132.5 Labeling Requirements. Provides container or plant labeling requirements for investigational products, for human or non-human consumption, that are stored or dispensed for research purposes.

§ 132.6 Research Involving Human Subjects. Contains requirements for research involving human subjects, including but not limited to, requirements that shall be met prior to receiving a research license for a research project that includes human subjects, IRB and informed consent requirements, that all products must be tested in accordance with Part 130 of Title 9, the authorization of research to utilize certified patients, and requirements for the disclosure of protected health information and the protections against arrest, prosecution, penalization in any manner for the use of investigational products, and the exceptions thereof.

§ 132.7 Research Involving Animals. Contains requirements for research involving animals, including but not limited to, requirements that shall be met prior to receiving a research license for a research project that includes animals, and requirements for the ethical treatment of animals in research set forth by the Animal Welfare Act.

§ 132.8 Agricultural Research. Provides guidelines for research licensees performing agricultural research and requirements for the cultivation of cannabis for research purposes, including requiring the research licensee to propose a square foot canopy to accomplish the goals of their research project, if they intend to cultivate cannabis.

§ 132.9 Reporting Requirements. Details reporting requirements for the research licensee, which includes but is not limited to, proper disposal of investigational products, documentation of an occurrence that is reportable such as an adverse event and any diversion, theft, loss, or unauthorized destruction of investigational products, peer review publication requirements, and if there are any substantial changes to a research project, that an application shall be submitted for consideration by the Board.

§ 132.10 Inspections and Audits. Requires that all records related to a research project shall be subject to inspection or audit by the Office, by the duly authorized representatives of the Office, by any peace officer acting pursuant to their special duties, or by any police officer. Additionally, any inspection that is believed to jeopardize the health, safety, or well-being of the research participants or public, or the failure of the research licensee to comply with inspection requirements, may result in corrective action or suspension of the research license.

§ 132.11 Record Retention. Requires that records shall be retained in a readily retrievable manner for at least seven years from the date of creation and should be available to the Office upon request, which includes but is not limited to, the disposal of investigational products. Records shall account for all activities of the research licensee.

§ 132.12 Conditions for License Suspension or Revocation. Contains the grounds for which a research license may be suspended or revoked, or a renewal application denied, which includes, but is not limited to, the

research licensee's failure to comply with any requirement of this Part or any applicable law or regulation, failure to maintain project quality, study design, value and impact, or other deceptive, negligent or irresponsible operations by the research licensee; the circumstances where a research project registration may be denied, suspended or revoked; and when the Office may enforce and impose fees and fines for violations against affiliate organization.

§ 132.13 Disposal. Details the required disposal procedures of remaining investigational products used for research purposes.

§ 132.14 Referenced Materials. Compiles all state and/or federal regulations that were referenced in Part 132.

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

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

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

Regulatory Impact Statement

Statutory Authority:

Sections 13 and 43 of the Cannabis Law provides, in part, that the Cannabis Control Board (Board) shall propose such rules and regulations as the Board may deem necessary or proper to fully effectuate the provisions of the Cannabis Law.

Section 38 of the Cannabis Law provides, in part, that the Board is authorized to promulgate rules and regulations governing cannabis research licenses in New York State as it relates to, among other things, application requirements, renewal requirements, conditions for license revocation, security measures for diversion prevention, the amount of investigational products a licensee may have on premises, reporting requirements and conditions a research licensee may receive donated cannabis from licensed producers and processors.

Legislative Objectives:

To establish a license which will authorize a licensee to produce, process, purchase and/or possess cannabis for cannabis research within New York State while ensuring that the cannabis research is safe and limited in scope.

Needs and Benefits:

There is a need to learn more about cannabis in a regulated form, as prior to the Marihuana Regulation and Taxation Act (MRTA), cannabis was illegal. Cannabis Law lists the types of research that New York State needs more of, as the legal use of cannabis will continue to increase. These areas of research are potency and composition levels; clinical investigations of cannabis-derived drug products; the efficacy and safety of administering cannabis as a part of medical treatment; and genomic or agricultural research. The cannabis research license will allow individuals to perform research in New York State as long as it addresses one of the 4 categories described above.

The proposed rule establishes the framework for the cannabis research license, which permits researchers to produce, process, purchase and/or possess cannabis for limited research purposes, which includes application process, how to acquire investigational products, labeling requirements, requirements around research involving human or animal subjects, cultivation for research requirements, as well as reporting, inspection and auditing, record retention and disposal requirements. Additionally, the proposed rule establishes the framework necessary to govern cannabis research and to differentiate between what activities require a cannabis research license and which do not, providing much needed clarification that an organization does not need to be a cannabis research licensee to perform research and development activities as defined in the regulation.

Finally, the proposed rule lays out the conditions upon which a cannabis research license may be suspended or revoked and establishes the rubric to ensure that the research is safe, with added requirements for informed consent when human subjects are involved, protection of those under the age of 21 from being involved in cannabis research as approved by Institutional Review Boards, with exceptions, and ensuring that animals are tested on in an ethical manner, in compliance with industry standards, as approved by the Institutional Animal Care and Use Committees.

Costs:

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

There will be costs associated with the proposed regulation to the regulated individual related to the application for licensure as a cannabis research licensee. The application for licensure is in the name of the proposed licensee who will serve as the principal investigator only and the Office does not grant licensure to any organization, affiliated with the principal investigator or as a research organization themselves. In order to apply for registration, an applicant must be an individual and submit a \$250 application fee with an additional \$500 licensing fee. These fees will

cover the cost to the Office in reviewing the application. These fees may also be waived by the Office. To renew, the research licensee must submit a \$200 renewal application fee. A cannabis research license shall be renewed every two years. Additional research projects added to a cannabis research licensee's list of registered research projects shall be \$150.

Costs to State and Local Governments:

The rule does not require local governments to perform any additional tasks and therefore the Office does not anticipate a cost associated to the proposed regulations. The Office anticipates an increased administrative cost to issue new cannabis research licenses and support the cannabis research licensing program, including inspections and audits of cannabis research licensees. Application, licensing, and renewal fees will cover the costs to the Office.

Local Government Mandates:

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

Paperwork:

The paperwork associated with processing applications for entities who wish to be cannabis research licensees will include information on projected research goals and outcomes, information regarding the personnel, expertise, facilities and infrastructure, funding and appropriate approvals from the IRB or IACUC and copies of their approvals, as applicable, justification for the amount of investigational products to be cultivated (if applicable), and disposal plans, amongst other things. Cannabis research licensees will need to label all their stored investigational products for research purposes and will need to affix labels containing specific information about the investigational products.

Cannabis research licensees will also be required to maintain incident reporting requirements, including any breach of security. Once the research concludes, the cannabis research licensee will need to provide a final synopsis or publication of the research project, for peer reviewed publications, as well as submit all final reports, findings, or documentation regarding the outcome of the approved research project.

Paperwork will be associated with the maintenance of records for the proper disposal of investigational products, reportable occurrences which include, but are not limited to, adverse events, tracking of investigational products cultivated, produced or acquired for use in an approved research project, and an annual report to the Board.

Duplication:

The rule does not duplicate any existing State or federal requirements that are applicable to cannabis research.

Alternatives:

In establishing the proposed regulations, the language initially considered both research for the limited purposes outlined in Section 38 of the Cannabis Law as well as research and development for other licensees. After internal discussion and outreach to stakeholders in the industry, the Office decided against including research and development as an activity that required a research license.

Federal Standards:

Any research involving human subjects and animal subjects must comply with federal rules and regulations associated with such activity.

Compliance Schedule:

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

Regulatory Flexibility Analysis

A Regulatory Flexibility Analysis is not being submitted with these rules because it is apparent from the nature and purpose of the regulation that it will not have a substantial adverse impact on small businesses or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis is not being submitted with these rules because the proposed rule making will not impose any adverse impact or significant reporting, recordkeeping or other compliance requirements specifically on public or private entities in rural areas.

Job Impact Statement

A Job Impact Statement is not being submitted with these rules because 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.

Office of Children and Family Services

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Updates to Foster Care Rates

I.D. No. CFS-14-23-00010-P

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

Proposed Action: Amendment of Parts 421, 427, 435, 436 and 441 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 20(d)(3), 34(3)(f), 398-a(2), 409-a(5), 451(2), 453(2) and 458-b(6)

Subject: Updates to foster care rates.

Purpose: To update various rules related to foster care rates and to make technical corrections.

Substance of proposed rule (Full text is posted at the following State website: <https://ocfs.ny.gov/main/legal/regulatory/pc/>): The proposed regulations would amend 18 NYCRR 421.24 to expand the definition of a handicapped child for adoption subsidy purposes. The proposed regulations would amend 18 NYCRR 421.24 to restrict the ability of a local department of social services (LDSS) to pay adoption subsidy as a rate that is less than 100% of the applicable foster care board rate to initial adoption subsidy agreements entered into prior to July 1, 2023, and mandate that all initial adoption subsidy agreements entered into on or after July 1, 2023, must pay 100% of the applicable foster care board rate. In addition, the proposed regulations would amend 18 NYCRR 421.24 to remove and replace certain outdated terms.

The proposed regulations would amend 18 NYCRR 427.6 to add the "extraordinary" rate category to the list of foster care payment rates described for the purposes of reporting requirements and corresponding state reimbursement. It would also add a new subdivision (f) to 18 NYCRR 427.6 detailing the criteria required for the foster child and foster parents to meet in order to be eligible for the new extraordinary rate.

The proposed regulations would amend 18 NYCRR 435.3 to remove the existing regulatory barrier that prevents therapeutic foster parents from receiving respite care and services for foster families.

The proposed regulations would amend 18 NYCRR 435.5 to make structural changes to respite care and services for foster families such that reimbursement for respite would be measured by each child as opposed to each family. The proposed regulations would also increase the maximum number of available respite days from 21 consecutive days per foster family to 30 consecutive days, seven weeks per year, per foster child and would update certain terms to conform with terms used by the New York State Office of Addiction Services and Supports. Finally, the proposed regulations would allow for an exception beyond "substance use disorder treatment" to include "extraordinary circumstances that warrant an additional respite stay" and would repeal certain subdivisions of 18 NYCRR 435.5 that would be deemed moot given the aforementioned proposed amendments.

The proposed regulations would amend 18 NYCRR 435.10 to repeal the enumerated conditions for reserved accommodations for respite care and services for foster family boarding homes or emergency foster family boarding homes, and would also change an outdated reference to the prior Office of Mental Retardation and Developmental Disabilities to its successor, the Office for People With Developmental Disabilities.

The proposed regulations would amend 18 NYCRR 436.5 to provide that LDSSs must pay 100% of the foster care board rate for all initial kinship guardianship assistance (KinGAP) agreements entered into on or after July 1, 2023. KinGAP agreements entered into prior to July 1, 2023, may continue to be paid at a rate that is not less than 75% but not more than 100% of the applicable foster care board rate. The proposed regulations would amend 18 NYCRR 441.22 to correct a reference to a subparagraph relating to risk assessments for newborn children regarding HIV.

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

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

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

Regulatory Impact Statement

1. Statutory Authority:

Section 20(3)(d) of the Social Services Law (SSL) authorizes the New York State Office of Children and Family Services (OCFS) to establish rules and regulations to carry out its powers and duties pursuant to the provisions of the SSL.

Section 34(3)(f) of the SSL authorizes the Commissioner of OCFS to promulgate regulations establishing standards for the administration of public assistance and care within New York State.

Section 398-a(2) of the SSL authorizes OCFS to promulgate regulations establishing standards of payment for the care of foster children.

Section 409-a(5) of the SSL authorizes OCFS to promulgate regulations establishing program standards for the preventive services program.

Sections 451(2) and 453(2) of the SSL authorize OCFS to promulgate regulations establishing standards for the administration of the adoption subsidy program.

Section 458-b(6) of the SSL authorizes OCFS to promulgate regulations to determine the amount of monthly kinship guardianship assistance (KinGAP) payments.

2. Legislative Objectives:

Chapter 436 of the Laws of 1997 created OCFS and authorized it to take on the functions, powers, duties and obligations of the former New York State Department of Social Services in the SSL concerning foster care, adoption services, adoption assistance, child protective services, preventive services for children and families, services for pregnant adolescents, day services, and other services and programs identified in Article 6 of the SSL regarding the care and protection of children and under the structure and authority of Article 2 of the SSL.

Part O of Chapter 56 of the Laws of 2022 amended section 398-a of the SSL to require all local departments of social services (LDSSs) to pay at least 100% of the rate set for foster parents by July 1, 2023.

3. Needs and Benefits:

In furtherance of the federal Family First Prevention Services Act [115 P.L.123] (FFPSA) objectives, OCFS seeks to reduce the number of foster youth in congregate care settings by promoting foster placement in foster family boarding homes rather than in congregate care settings. As part of this effort, OCFS seeks to establish a new classification and payment rate for youth with "extraordinary" needs whose needs with the appropriate supports may be placed in foster boarding home settings. As such, the proposed regulations would adopt provisions and standards necessary to implement the new classification and payment rates that OCFS seeks to establish for children and youth in foster care with extraordinary needs placed in foster boarding homes. OCFS' creation of this new classification and payment rate will allow for additional funding to assist in the recruitment and retention of more foster homes and foster parents specifically trained to care and provide for children and youth with greater needs.

The proposed regulations would also repeal and make various amendments to existing provisions within Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York to conform with new state legislation enacted by Part O of Chapter 56 of the Laws of 2022 that amends section 398-a of the SSL to provide that LDSSs already paying 100% of the foster parent board rate set by OCFS must continue to pay those rates, and those paying less than 100% have to increase their payments to half the difference between the rate they pay now and 100% for rate year 2022-23 and then pay the full rate set by OCFS for the 2023-24 rate year. Additionally, the proposed regulations would repeal and make various amendments to existing provisions within Title 18 to require that the adoption subsidy rate, KinGAP and foster parent board rate established under section 398-a of the SSL remain equal. Making this expressly clear in the regulations will avoid unnecessary confusion when entering into future adoption subsidy and KinGAP agreements. The proposed regulations would require that a child who meets the foster care criteria needed for the extraordinary rate to apply, would also meet the criteria of a handicapped child rate for adoption subsidy eligibility purposes.

The proposed regulations would also make amendments to remove the current regulatory barrier that prevents therapeutic foster parents from receiving respite care and services and expand the existing structure for respite care and services by increasing the maximum number of respite days from 21 consecutive days per foster family to 30 consecutive days, 7 weeks per year, per foster child, to allow for an exception beyond substance use disorder treatment to include "extraordinary circumstances that warrant an additional stay" and to measure respite reimbursement by each child as opposed to each foster family.

Finally, the proposed regulations would either repeal or make conforming amendments to several provisions in the existing regulations that are no longer applicable, relevant or necessary given the subsequent legislative changes made as per the enactment of Part O of Chapter 56 of the Laws of 2022. The proposed regulations would also make minor corrective amendments to various existing regulatory provisions that are either moot, make outdated references or use outdated terminology such as

“mental retardation” instead of “intellectual disability” or “substance abuse” instead of “substance use disorder.”

4. Costs:

Anticipated local costs associated with this regulation package that requires LDSSs to pay 100% of the applicable foster care board rate effective July 1, 2023, the establishment of an extraordinary board rate and the expansion of respite care and services are expected to be negligible. All these costs are funded from the foster care block grant which provides at least 50% reimbursement to LDSSs for these costs. The anticipated local share for the changes in this regulation package is approximately \$150,000 to be shared across all local districts. The local share would be funded from the county tax levy.

5. Local Government Mandates:

The proposed regulations would mandate LDSSs to establish an extraordinary board rate for youth cared for in foster family boarding homes. As required by section 398-a of the SSL, the proposed regulations mandate that, effective July 1, 2023, LDSSs must pay 100% of the foster care board rate for all youth cared for in foster family boarding homes. The proposed regulations would also require LDSSs to pay 100% of the applicable foster care board rate for all initial adoption subsidy and KinGAP agreements executed on or after July 1, 2023. Children who satisfy the criteria for an extraordinary board rate will be deemed a handicapped child for adoption subsidy eligibility purposes. The proposed regulations expand eligibility and the available duration for respite care and services.

6. Paperwork:

The proposed regulation would not require new paperwork requirements and the changes enacted by the proposed regulations would be supported by existing case recording.

7. Duplication:

The proposed regulations are not duplicative of other state or federal requirements.

8. Alternatives:

The requirement that effective July 1, 2023, LDSSs pay 100% of the foster care board rate established by OCFS is mandated by section 398-a of the SSL so there is no alternative. The creation of the extraordinary foster care board rate is not mandated by statute but is programmatically necessary to comply with federal standards and to enhance the placement of foster children in the least restrictive placement necessary to meet their needs. The equalization of rates paid for adoption subsidy and KinGAP provide equity to those programs supporting permanency for children and youth.

9. Federal Standards:

The proposed regulations are not in conflict with current federal standards.

10. Compliance Schedule:

Compliance with the proposed regulations would begin immediately upon final adoption.

Regulatory Flexibility Analysis

1. Effect of Rule:

The proposed regulations will affect local departments of social services (LDSSs) and the approximately 83 voluntary authorized agencies in New York State.

2. Compliance Requirements:

The proposed regulations would add new criteria for eligibility requirements for the new rate category for extraordinary foster care services in a family foster home setting. In addition to the specific criteria of extraordinary level of needs a foster child must meet to be eligible for the new extraordinary rate, the foster parents are required to satisfy a number of conditions in order to qualify to receive state reimbursement at the new extraordinary rate.

Specifically, in order to be eligible to receive the extraordinary rate, if the certified or approved foster home is a two parent foster home, one foster parent must not be employed outside of the foster home. That parent must have the ability to be readily accessible to meet the foster child's need on an ongoing and emergent needed basis. The foster parents must only have one foster child placed in the home at a time and be able to demonstrate their ability to care for foster children with special, exceptional, or extraordinary conditions through past training and experience in nursing, special education, child care, or the completion of or participation in special training provided by an authorized child caring agency or other relevant training and experience. In order to be eligible for the extraordinary rate, the foster parents must actively participate in not less than eight hours of agency training per year. They must also actively participate in case conferences as determined by the authorized agency, daily reports of the foster child's progress, weekly foster parent group meetings, and individualized skills training and coaching for youth. In addition, the foster parents must actively support implementation of an individualized behavior management program daily in the home and individualized therapy for the youth, including implementing strategies in the home

identified as part of the foster child's treatment plan. Finally, to comply with the itemized eligibility requirements to qualify for state reimbursement at the extraordinary rate, the foster parents must be able to provide the intensive supervision and interpersonal relationships that are consistent with the child's therapeutic goals, including the ability to work with the professionals involved in the treatment plan, such as physicians, nurses, social workers, psychologists, and psychiatrists. Foster parents must also be able to accept assistance and guidance in caring for the child.

Part O of Chapter 56 of the Laws of 2022 amended section 398-a of the Social Services Law to provide that LDSSs already paying 100% of the foster parent rate set by the Office of Children and Family Services (OCFS) must continue to pay those rates, and those paying less than 100% must increase their payments to half the difference between the rate they pay now and 100% for the rate year 2022-23, and then pay the full rate set by OCFS for the 2023-24 rate year. The proposed regulations would also make several conforming changes to regulations, including applying the statutory change to adoption subsidy and kinship guardianship assistance (KinGAP) payments for initial adoption subsidy and KinGAP agreements entered into on or after July 1, 2023.

The proposed regulations would remove the current barrier that prevents therapeutic foster parents from receiving respite care and services and would amend the standards for the duration of eligibility for respite care and services. The proposed regulations would also amend 18 NYCRR 435.10 to repeal the conditions for reserved accommodations for respite care and services for foster family boarding homes and emergency foster family boarding homes, and would change an outdated reference to the prior Office of Mental Retardation and Developmental Disabilities to its successor, the Office for People With Developmental Disabilities. Finally, the proposed regulations would amend 18 NYCRR 441.22 to correct a reference to a subparagraph relating to risk assessments for newborn children regarding HIV.

3. Professional Services:

The proposed regulations would not impose any new requirements regarding professional services.

4. Compliance Costs:

Anticipated local costs associated with this regulation package that requires LDSSs to pay 100% of the applicable foster care board rate effective July 1, 2023, the establishment of an extraordinary board rate and the expansion of respite care and services are expected to be negligible. All these costs are funded from the foster care block grant which provides at least 50% reimbursement to LDSSs for these costs. The anticipated local share for the changes in this regulation package is approximately \$150,000 to be shared across all local districts. The local share would be funded from the county tax levy.

5. Economic and Technological Feasibility:

No economic or technological barriers have been identified that would prohibit implementation of the proposed regulations.

6. Minimizing Adverse Impact:

To minimize adverse impact, funding for compliance costs with these regulations as well as Part O of Chapter 56 of the Laws of 2022 will be split between the federal, state and local governments, per the existing funding stream requirements. Additionally, some provisions will not take effect until July 1, 2023.

7. Small Business and Local Government Participation:

OCFS has engaged in a process of receiving extensive and robust feedback on the proposed regulations. This includes a Statewide Implementation Team (SIT) that includes representation from various voluntary authorized agencies including some that may be considered small businesses. OCFS has also put forth a series of webinars and presentations geared for these entities in all areas of the state. More specifically, OCFS presented the concept of the new extraordinary rate to stakeholders at a webinar on the federal Family First Prevention Services Act and at a webinar for Institutions of Mental Diseases (IMDs). OCFS also presented information regarding the proposed rule at the most recent conference of the New York Public Welfare Association. In accordance with SAPA 202-b(6), OCFS will also notify the local departments of social services when the regulations are published for public comment, as well as issue a guidance document and hold a webinar when the regulations are finalized.

8. For rules that either establish or modify a violation or penalty:

The proposed regulations would not establish or modify an existing violation or penalty.

Rural Area Flexibility Analysis

1. Types and estimated numbers of rural areas:

The proposed regulations will affect 44 local departments of social services (LDSSs) and the approximately 35 voluntary authorized agencies in rural areas of New York State.

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

These proposed regulations would expand the definition of “handicapped child” for adoption subsidy eligibility purposes to include a child

who is deemed to require an extraordinary level of care while in foster care, as outlined in the newly defined criteria of what constitutes eligibility for the “extraordinary” care rate. They would also make conforming changes to include “extraordinary” rates among the existing foster care pay rates as it relates to the provisions outlining reporting requirements and corresponding state reimbursement.

Because Part O of Chapter 56 of the Laws of 2022 requires all LDSSs to pay at least 100% of the rate set for foster parent reimbursement within the next two years, the proposed regulations would repeal certain definitions and regulatory provisions related to the calculation of income for purposes of paying less than the board rate for adoption subsidy and kinship guardianship assistance (KinGAP) payments.

The proposed regulations would remove the existing regulatory barrier that precludes therapeutic foster parents from receiving respite and make related changes to the current provisions that establish how respite is structured and reimbursed.

The proposed regulations would either repeal or make conforming amendments to several provisions in the existing regulations that are no longer applicable, relevant, or necessary given the subsequent legislative changes.

The proposed regulations would make minor corrective amendments to various existing regulatory provisions that are either moot or use outdated terminology such as “mental retardation” instead of “intellectual disability” or “substance abuse” instead of “substance use disorder.”

3. Costs:

Anticipated local costs associated with this regulation package that requires LDSSs to pay 100% of the applicable foster care board rate effective July 1, 2023, the establishment of an extraordinary board rate and the expansion of respite care and services are expected to be negligible. All these costs are funded from the foster care block grant which provides at least 50% reimbursement to LDSSs for these costs. The anticipated local share for the changes in this regulation package is approximately \$150,000 to be shared across all local districts. The local share would be funded from the county tax levy.

4. Minimizing adverse impact:

To minimize adverse impact, funding for compliance costs with these regulations as well as Part O of Chapter 56 of the Laws of 2022 will be split between the federal, state and local governments, per the existing funding stream requirements. Additionally, some provisions will not take effect until July 1, 2023.

5. Rural area participation:

The Office of Children and Family Services (OCFS) has engaged in a process of receiving extensive and robust feedback on the proposed regulations. This includes a Statewide Implementation Team (SIT) that involves representation from various LDSSs and voluntary authorized agencies in rural areas. OCFS has also put forth a series of webinars and presentations geared for these entities for all areas of the state, including rural areas. More specifically, OCFS presented information about the new extraordinary rate to stakeholders at a webinar on the federal Family First Prevention Services Act and at a webinar for Institutions of Mental Diseases (IMDs).

Job Impact Statement

The proposed amendments to regulation will not have a negative impact on jobs or employment opportunities in either public or private child welfare agencies. A full job impact statement has not been prepared for the proposed regulations as there should be no resulting loss of jobs.

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00019-A

Filing No. 246

Filing Date: 2023-03-15

Effective Date: 2023-04-05

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

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

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

Subject: Jurisdictional Classification.

Purpose: To delete positions from and to classify positions in the non-competitive class.

Text of final rule: Amend Appendix 2 of the Rules for the Classified Service, listing positions in the non-competitive class, in the Department of Family Assistance under the subheading “Office of Children and Family Services,” by adding thereto the positions of Associate Psychologist (20), Child Protective Service Specialist 1 (55), Child Protective Service Specialist Trainee (55), Licensed Master Social Worker 1 (5), Licensed Master Social Worker 2 (35), Licensed Psychologist (20), Nurse 1 (5), Nurse 2 (40), Nurse Practitioner (Family Health) (5), Psychologist 2 (15), Senior Utilization Review Nurse (5) and by increasing the number of positions of Youth Counselor 1 from 13 to 193;

*The Notice of Proposed originally added 180 positions of Youth Counselor 1. It should have been an increase from 13 to 193 which is shown in highlighted sentence.

Final rule as compared with last published rule: Nonsubstantial changes were made in Appendix 2.

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

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

Changes made to the last published rule do not necessitate revision to the previously published RIS, RFA, RAFA, and JIS.

Assessment of Public Comment

The agency received no public comment.

Commission on Ethics and Lobbying in Government

EMERGENCY RULE MAKING

Ethics Training for Lobbyist and Clients

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

Filing No. 252

Filing Date: 2023-03-20

Effective Date: 2023-03-20

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

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

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

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

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

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

Subject: Ethics training for lobbyist and clients.

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

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

CHAPTER XX. [JOINT COMMISSION ON PUBLIC ETHICS] COMMISSION ON ETHICS AND LOBBYING IN GOVERNMENT
PART 943 LOBBYING

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

(b) Online Ethics Training for *Lobbyists and Clients*

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

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

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

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

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

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

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

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

This notice is intended to serve 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. ELG-01-23-00006-EP, Issue of January 4, 2023. The emergency rule will expire May 18, 2023.

Text of rule and any required statements and analyses may be obtained from: Megan Mutolo, Commission on Ethics and Lobbying in Government, 540 Broadway, Albany, NY 12207, (518) 408-3976, email: megan.mutolo@jcope.ny.gov

Regulatory Impact Statement

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

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

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

4. Costs:

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

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

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

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

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

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

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

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

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

Regulatory Flexibility Analysis

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

Rural Area Flexibility Analysis

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

Job Impact Statement

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

Assessment of Public Comment

The agency received no public comment.

Department of Financial Services

EMERGENCY RULE MAKING

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

I.D. No. DFS-14-23-00001-E

Filing No. 251

Filing Date: 2023-03-17

Effective Date: 2023-03-17

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

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

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

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

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

After several articles were published speculating that LIBOR was being manipulated by the banks that calculated the rate, a number of civil and criminal investigations were opened into the potential manipulation. The investigations confirmed the manipulation and substantial penalties were imposed on the banks that participated in this scheme. With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. One week and two-month dollar denominated LIBOR rates expired at the end of 2021. All other dollar denominated LIBOR rates are set to expire on June 30, 2023.

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

This emergency adoption prohibits the use of LIBOR for new loans. The Department now adopts CME Term SOFR rates, as published by the CME Group Benchmark Administration Limited, as a replacement benchmark. See <https://www.cmegroup.com/market-data/cme-group-benchmark-administration/term-sofr.html>

CME Term SOFR is a forward-looking term rate, based upon the New York Federal Reserve Banks’s Secure Overnight Financing Rate (“SOFR”), and administered by CME Group Benchmark Administration, Ltd. These forward-looking SOFR term rates are calculated by first projecting a possible path of overnight rates that is consistent with the observable averages implied by SOFR-based derivative contracts and then creating averages over standard tenors of that projected path of overnight rates. In projecting the path of overnight rates, CME Group uses a combination of one-month and three-month SOFR futures contracts to ensure that as many data points as possible are used to calculate the term structure.

Further, this emergency adoption also eliminates an obsolete index: the average cost of funds index for FSLIC institutions. This index has not been published for approximately 30 years, and there is no need to substitute a different one.

The emergency adoption of this regulation is necessary to authorize the use of CME Term SOFR as a replacement benchmark rate.

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

Purpose: To permit the use of CME Term SOFR as a replacement benchmark for LIBOR and to eliminate an obsolete index.

Text of emergency rule: Section 333.1 is amended to read as follows:

The following are the indices approved by the superintendent, for use by lending institutions which are making variable rate closed-end personal loans pursuant to the provisions of Part 33 of this Title, and for use by banking institutions which establish variable rate open-end accounts pursuant to the provisions of Part 90 of this Title:

- (a) the bank prime loan index;
- (b) the indices for one-month, three-month or six-month certificates of deposit sold in the secondary market;
- (c) the indices for the auction averages from the sale of United States three-month, six-month or one-year Treasury bills;
- (d) the indices for three-month, six-month or one-year Treasury bills sold in the secondary market;
- (e) the indices for the one-year, two-year, three-year, five-year, seven-year, ten-year, twenty- year or thirty-year constant maturity yield for United States Treasury securities;

[(f) the index for the average cost of funds for FSLIC-insured institutions, for the New York district, as published by the Federal Home Loan Bank Board;]

[(g)] the prime rate as published by The Wall Street Journal; and

[(h) the indices for one-month, three-month, six month and one year London Interbank Offered Rate (LIBOR) as published in The Wall Street Journal.]

(g) *the indices for one-month, three-month, six-month and twelve-month Secured Overnight Financing Rate (SOFR), published as “CME Term SOFR” rates by the CME Group Benchmark Administration Limited.*

The indices under subdivisions (a) through (e) of this section are published and announced by the Board of Governors of the Federal Reserve System in such publications as The Federal Reserve Bulletin, H.15, G.13, etc. With respect to these indices, where daily rates and weekly and monthly averages of such daily rates are published, this Part allows use of either the daily rate or the weekly or monthly average rate for such index. This Part also allows use of a rate such as a quarterly or semiannual rate calculated by averaging four or less of the subdivision (a) through (e)

rates. In the event of split rate figures for the prime rate as published under subdivision [(g)] of this section, the lending or banking institution shall use the low figure except where use of the high figure or an average of the two figures is provided by contract and disclosed to the borrower or customer.

Section 334.1 is amended to read as follows:

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

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

(g) *the indices for one-month, three-month, six-month and twelve-month Secured Overnight Financing Rate (SOFR) published as “CME Term SOFR” rates by the CME Group Benchmark Administration Limited.*

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

This notice is intended to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire June 14, 2023.

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

Regulatory Impact Statement

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

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

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

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

The Department has promulgated numerous rules to regulate specific types of variable rate lending. 3 NYCRR 33 governs variable rate closed-

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

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

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

With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. One week and two-month dollar denominated LIBOR rates expired at the end of 2021. All other dollar denominated LIBOR rates are set to expire on June 30, 2023.

Accordingly, the Department promulgated a series of emergency adoptions to amend Parts 333 and 334 to make the Secured Overnight Financing Rate (“SOFR”) available as an alternative benchmark for pricing variable rate loans. The Department did not abolish the use of LIBOR immediately; it only wanted to make SOFR rates available for one-month, three-month and six-month tenors.

This new emergency adoption eliminates references to LIBOR as an approved benchmark for new loans. As a substitute for LIBOR, the Department includes CME Term SOFR rates, as published by the CME Group Benchmark Administration Limited. The Department includes CME Term SOFR rates for one-month, three-month, six-month and twelve-month tenors. For background on CME Term SOFR, see: <https://www.cmegroup.com/market-data/cme-group-benchmark-administration/term-sofr.html>

Further, the new emergency adoption also eliminates an obsolete index: the average cost of funds index for FSLIC institutions. This index has not been published for approximately 30 years, and there is no need to substitute a different one.

3. Needs and Benefits: The Department regulates more than 250 state-chartered banks and licensed foreign bank branches and agencies in New York, and a variety of other entities engaged in delivering financial services to the residents of New York State. Any of these institutions that offer certain variable interest rate products need to set the rate in accordance with indices approved by the Department. Historically, LIBOR was a common index widely used to set variable interest rates. With LIBOR set to expire completely by 2023, the Department needs to approve a new index that can be used to set rates. The need to approve new benchmark indices is important now as several federal regulators, some of which the Department shares oversight of its regulated institutions, announced that they consider it an unsafe and unsound practice to set rates using LIBOR after December 31, 2021. The Department wants to approve the same rates or indices that federal regulators have approved.

The Alternative Reference Rates Committee (“ARCC”) is a group of private-market participants convened by the Federal Reserve Board of Governors (the “Board”) and the Federal Reserve Bank of New York to help ensure a successful transition from U.S. dollar (USD) LIBOR to a more robust reference rate, its recommended alternative, SOFR. The ARCC is comprised of a diverse set of private-sector entities that have an important presence in markets affected by USD LIBOR and a wide array of official-sector entities, including banking and financial sector regulators, as ex-officio members. Federal banking regulators generally follow the recommendations of ARCC.

On July 29, 2021, ARCC formally recommended the use of the CME Group’s forward-looking SOFR rates:

https://www.newyorkfed.org/mediablibrary/Microsites/arrc/files/2021/ARRC_Press_Release_Term_SOFR.pdf

On May 19, 2022, the ARCC endorsed use of the CME 12-month Term Rate:

https://www.newyorkfed.org/mediablibrary/Microsites/arrc/files/2022/ARRC_CME_12-Month_SOFR_Term_Rate.pdf

Accordingly, the Department lists CME Term SOFR as a substitute index in Parts 333 and 334.

CME Term SOFR is a forward-looking term rate based on SOFR administered by CME Group Benchmark Administration, Ltd. These forward-looking SOFR term rates are calculated by first projecting a possible path of overnight rates that is consistent with the observable averages implied by SOFR-based derivative contracts and then creating averages over standard tenors of that projected path of overnight rates. In projecting the path of overnight rates, CME Group uses a combination of one-month and three-month SOFR futures contracts to ensure that as many data points as possible are used to calculate the term structure. The methodology is explained at: <https://www.cmegroup.com/market-data/files/cme-term-sofr-reference-rates-benchmark-methodology.pdf>

4. Costs: The amendments to Parts 333 and 334 do not increase the costs imposed on regulated industries or anyone else.

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

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

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

8. Alternatives: The purpose of the amendment is to adjust Parts 333 and 334 to facilitate the transition away from LIBOR to a new benchmark for variable-rate loans. There is no rational alternative but to amend the regulations that already specify the benchmarks approved by the Department.

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

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

The Consumer Finance Protection Bureau (“CFPB”) has amended its Regulation Z to facilitate the transition away from LIBOR. CFPB will allow its regulated institutions to use SOFR benchmarks. Amendments to Regulation Z concerning LIBOR and SOFR will be phased in over a 2-year period. See Facilitating the LIBOR Transition (Regulation Z), 86 FR 69716 (Dec. 8, 2021) at <https://www.federalregister.gov/documents/2021/12/08/2021-25825/facilitating-the-libor-transition-regulation-z>. This amendment to Regulation Z required small technical corrections in 2022. See Facilitating the LIBOR Transition (Regulation Z); Correction, 87 FR 8733 (Feb. 16, 2022) at: <https://www.federalregister.gov/documents/2022/02/16/2022-03344/facilitating-the-libor-transition-regulation-z-correction>

For legacy contracts that specify LIBOR as a benchmark, the federal Adjustable Interest Rate (LIBOR) Act, 12 U.S.C. Sections 5801-5807, is applicable. That federal statute is interpreted and implemented by the Board. The Board adopted 12 C.F.R. Part 253 (Regulation ZZ) to implement benchmark replacements in legacy contracts. Regulation ZZ became effective on February 27, 2023. Regulation ZZ expressly endorses the use of CME Term SOFR for most cash products and consumer loans.

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

Regulatory Flexibility Analysis

The purpose of the amendments is to replace and eliminate obsolete indices that regulated entities may use to make certain variable interest rate loans. A new index, CME Term Secured Overnight Financing Rate (“SOFR”), is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future. The amendments impose no reporting, recordkeeping, or other compliance requirements on public or private entities. Therefore, the amendments will not impose any adverse impacts on local government or small businesses.

Rural Area Flexibility Analysis

The purpose of the amendments is to replace and eliminate obsolete indices that regulated entities may use to make certain variable interest rate loans. A new index, CME Term Secured Overnight Financing Rate (“SOFR”), is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future. Therefore, the amendments will not impose any adverse impacts on rural areas or any

new or heightened reporting, recordkeeping, or other compliance requirements on public or private entities in rural areas. The proposed amendments do not distinguish between regulated parties located in rural, suburban, or metropolitan areas of New York State, but apply universally throughout the state.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The purpose of the amendments is to replace and eliminate obsolete indices that regulated entities may use to make certain variable interest rate loans. A new index, CME Term Secured Overnight Financing Rate (“SOFR”), is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future.

NOTICE OF EXPIRATION

The following notice has expired and cannot be reconsidered unless the Department of Financial Services publishes a new notice of proposed rule making in the NYS Register.

Debt Collection by Third-Party Debt Collectors and Debt Buyers

| I.D. No. | Proposed | Expiration Date |
|--------------------|-------------------|-----------------|
| DFS-50-21-00016-RP | December 15, 2021 | March 15, 2023 |

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

Permissible Indices for Variable Rate Loans

I.D. No. DFS-14-23-00004-P

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

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

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

Subject: Permissible indices for variable rate loans.

Purpose: To permit the use of CME Term SOFR as a replacement benchmark for LIBOR and to eliminate an obsolete index for savings and loans.

Text of proposed rule: Section 333.1 is amended to read as follows:

The following are the indices approved by the superintendent, for use by lending institutions which are making variable rate closed-end personal loans pursuant to the provisions of Part 33 of this Title, and for use by banking institutions which establish variable rate open-end accounts pursuant to the provisions of Part 90 of this Title:

- (a) the bank prime loan index;
- (b) the indices for one-month, three-month or six-month certificates of deposit sold in the secondary market;
- (c) the indices for the auction averages from the sale of United States three-month, six-month or one-year Treasury bills;
- (d) the indices for three-month, six-month or one-year Treasury bills sold in the secondary market;
- (e) the indices for the one-year, two-year, three-year, five-year, seven-year, ten-year, twenty- year or thirty-year constant maturity yield for United States Treasury securities;
- [(f) the index for the average cost of funds for FSLIC-insured institutions, for the New York district, as published by the Federal Home Loan Bank Board;]

- [(g)] the prime rate as published by The Wall Street Journal; and
- [(h) the indices for one-month, three-month, six month and one year London Interbank Offered Rate (LIBOR) as published in The Wall Street Journal.]

[(g) the indices for one-month, three-month, six-month and twelve-month Secured Overnight Financing Rate (SOFR), published as “CME Term SOFR” rates by the CME Group Benchmark Administration Limited.

The indices under subdivisions (a) through (e) of this section are published and announced by the Board of Governors of the Federal Reserve System in such publications as The Federal Reserve Bulletin, H.15, G.13, etc. With respect to these indices, where daily rates and weekly and monthly averages of such daily rates are published, this Part allows use of either the daily rate or the weekly or monthly average rate for such index. This Part also allows use of a rate such as a quarterly or semiannual rate calculated by averaging four or less of the subdivision (a) through (e) rates. In the event of split rate figures for the prime rate as published under subdivision [(g)] of this section, the lending or banking institution shall

use the low figure except where use of the high figure or an average of the two figures is provided by contract and disclosed to the borrower or customer.

Section 334.1 is amended to read as follows:

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

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

[(g) the indices for one-month, three-month, six-month and twelve-month Secured Overnight Financing Rate (SOFR) published as “CME Term SOFR” rates by the CME Group Benchmark Administration Limited.

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

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, NY 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 Sections 202 and 302; Banking Law Sections 10, 14, 108.4, 108.5, 202, 235.8-b, 351.2, and 590-a.3; and Personal Property Law Sections 303, 404, and 413.

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

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

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

The Department has promulgated numerous rules to regulate specific types of variable rate lending. 3 NYCRR 33 governs variable rate closed-end personal loans. 3 NYCRR 80 governs variable rate junior mortgage

loans. 3 NYCRR 90 governs variable rate open-end accounts established by banking institutions. 3 NYCRR 91 governs variable rate installment agreements. 3 NYCRR 92 covers variable rate closed-end retail installment contracts and obligations. This entire series of regulations requires use of benchmark indices to do interest rate calculations. The Department lists these approved benchmarks in Parts 333 and 334 of Title 3 of the NYCRR.

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

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

With the revelation of the rate manipulations, LIBOR was deemed to be an unreliable benchmark and a decision was made to phase out LIBOR entirely. One week and two-month dollar denominated LIBOR rates expired at the end of 2021. All other dollar denominated LIBOR rates are set to expire on June 30, 2023.

Accordingly, the Department promulgated a series of emergency adoptions to amend Parts 333 and 334 to make the Secured Overnight Financing Rate (“SOFR”) available as an alternative benchmark for pricing variable rate loans. The Department did not abolish the use of LIBOR immediately; it only wanted to make SOFR rates available for one-month, three-month and six-month tenors.

The Department now proposes to eliminate references to LIBOR as an approved benchmark rate for new loans. As a substitute for LIBOR, the Department will include CME Term SOFR rates, as published by the CME Group Benchmark Administration Limited. The Department proposes to include CME Term SOFR rates for one-month, three-month, six-month and twelve-month tenors. For background on CME Term SOFR, see <https://www.cmegroup.com/market-data/cme-group-benchmark-administration/term-sofr.html>

Further, the Department proposes to eliminate an obsolete index: the average cost of funds index for FSLIC institutions. This index has not been published for approximately 30 years, and there is no need to substitute a different one.

3. **Needs and Benefits:** The Department regulates more than 250 state-chartered banks and licensed foreign bank branches and agencies in New York, and a variety of other entities engaged in delivering financial services to the residents of New York State. Any of these institutions that offer certain variable interest rate products need to set the rate in accordance with indices approved by the Department. Historically, LIBOR was a common index widely used to set variable interest rates. With LIBOR set to expire completely by June 30, 2023, the Department needs to approve a new index that can be used to set rates. The need to approve new benchmark indices is important now as several federal regulators, some of which the Department shares oversight of its regulated institutions, announced that they consider it an unsafe and unsound practice to set rates using LIBOR after December 31, 2021. The Department wants to approve the same rates or indices that federal regulators have approved.

The Alternative Reference Rates Committee (“ARCC”) is a group of private-market participants convened by the Federal Reserve Board of Governors (the “Board”) and the Federal Reserve Bank of New York to help ensure a successful transition from U.S. dollar (USD) LIBOR to a more robust reference rate, its recommended alternative, SOFR. The ARCC is comprised of a diverse set of private-sector entities that have an important presence in markets affected by USD LIBOR and a wide array of official-sector entities, including banking and financial sector regulators, as ex-officio members. Federal banking regulators generally follow the recommendations of ARCC.

On July 29, 2021, ARCC formally recommended the use of the CME Group’s forward-looking SOFR rates:

https://www.newyorkfed.org/medialibrary/Microsites/arcc/files/2021/ARCC_Press_Release_Term_SOFR.pdf

On May 19, 2022, the ARCC endorsed use of the CME 12-month Term Rate:

https://www.newyorkfed.org/medialibrary/Microsites/arcc/files/2022/ARCC_CME_12-Month_SOFR_Term_Rate.pdf

Accordingly, the Department proposes listing CME Term SOFR as a substitute index in Parts 333 and 334.

CME Term SOFR is a forward-looking term rate based on SOFR

administered by CME Group Benchmark Administration, Ltd. These forward-looking SOFR term rates are calculated by first projecting a possible path of overnight rates that is consistent with the observable averages implied by SOFR-based derivative contracts and then creating averages over standard tenors of that projected path of overnight rates. In projecting the path of overnight rates, CME Group uses a combination of one-month and three-month SOFR futures contracts to ensure that as many data points as possible are used to calculate the term structure. The methodology is explained at: <https://www.cmegroup.com/market-data/files/cme-term-sofr-reference-rates-benchmark-methodology.pdf>

4. **Costs:** The amendments to Parts 333 and 334 do not increase the costs imposed on regulated industries or anyone else.

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

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

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

8. **Alternatives:** The purpose of the amendment is to adjust Parts 333 and 334 to facilitate the transition away from LIBOR to a new benchmark for variable-rate loans. There is no rational alternative but to amend the regulations that already specify the benchmarks approved by the Department.

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

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

The Consumer Finance Protection Bureau (“CFPB”) has amended its Regulation Z to facilitate the transition away from LIBOR. CFPB will allow its regulated institutions to use SOFR benchmarks. Amendments to Regulation Z concerning LIBOR and SOFR will be phased in over a 2-year period. See *Facilitating the LIBOR Transition (Regulation Z)*, 86 FR 69716 (Dec. 8, 2021) at <https://www.federalregister.gov/documents/2021/12/08/2021-25825/facilitating-the-libor-transition-regulation-z>. This amendment to Regulation Z required small technical corrections in 2022. See *Facilitating the LIBOR Transition (Regulation Z); Correction*, 87 FR 8733 (Feb. 16, 2022) at: <https://www.federalregister.gov/documents/2022/02/16/2022-03344/facilitating-the-libor-transition-regulation-z-correction>

For legacy contracts that specify LIBOR as a benchmark, the federal Adjustable Interest Rate (LIBOR) Act, 12 U.S.C. Sections 5801-5807, is applicable. That federal statute is interpreted and implemented by the Board. The Board adopted 12 C.F.R. Part 253 (Regulation ZZ) to implement benchmark replacements in legacy contracts. Regulation ZZ became effective on February 27, 2023. Regulation ZZ expressly endorses the use of CME Term SOFR for most cash products and consumer loans.

10. **Compliance Schedule:** The proposed amendments will take effect upon publication of the Notice of Adoption in the State Register.

Regulatory Flexibility Analysis

The purpose of the amendments is to replace and eliminate obsolete indices that regulated entities may use to make certain variable interest rate loans. A new index, CME Term Secured Overnight Financing Rate (“SOFR”), is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future. The amendments impose no reporting, recordkeeping, or other compliance requirements on public or private entities. Therefore, the amendments will not impose any adverse impacts on local government or small businesses.

Rural Area Flexibility Analysis

The purpose of the amendments is to replace and eliminate obsolete indices that regulated entities may use to make certain variable interest rate loans. A new index, CME Term Secured Overnight Financing Rate (“SOFR”), is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future. Therefore, the amendments will not impose any adverse impacts on rural areas or any new or heightened reporting, recordkeeping, or other compliance require-

ments on public or private entities in rural areas. The proposed amendments do not distinguish between regulated parties located in rural, suburban, or metropolitan areas of New York State, but apply universally throughout the state.

Job Impact Statement

This amendment should not adversely impact jobs or employment opportunities in New York State. The purpose of the amendments is to replace and eliminate obsolete indices that regulated entities may use to make certain variable interest rate loans. A new index, CME Term Secured Overnight Financing Rate (“SOFR”), is necessary because the London Inter-Bank Offered Rate (“LIBOR”) index will become obsolete in the near future.

Department of Health

NOTICE OF ADOPTION

Repeal of Zika Action Plan; Performance Standards

I.D. No. HLT-46-22-00003-A

Filing No. 253

Filing Date: 2023-03-20

Effective Date: 2023-04-05

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

Action taken: Repeal of section 40-2.24 of Title 10 NYCRR.

Statutory authority: Public Health Law, sections 602, 603 and 619

Subject: Repeal of Zika Action Plan; Performance Standards.

Purpose: To repeal regulatory provisions which are no longer applicable.

Text or summary was published in the November 16, 2022 issue of the Register, I.D. No. HLT-46-22-00003-C.

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

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

Assessment of Public Comment

A total of four public comments were received and all were in support of the proposed regulation. Three comments were from the local health departments and one from New York State Association of County Health Officials.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Assisted Living Residences

I.D. No. HLT-14-23-00009-P

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

Proposed Action: Amendment of Part 1001 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 4662

Subject: Assisted Living Residences.

Purpose: To update admission, operator authority, personnel, environmental standards and resident protections for assisted living residences.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): This regulation amends Sections 1001.4, 1001.7, 1001.8, 1001.11, and 1001.13 of Title 10 (Health) of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR).

Subdivision (i) of Section 1001.4 is amended to remove the requirement that an operator shall not, without the prior written approval of the Department, convey title to, or enter into a lease or other use agreement, or amend an existing lease or use agreement, with respect to the real property on which the residence is located.

Subdivision (g) of Section 1001.7 is amended to add paragraphs (1) through (3) to read as follows:

(1) Assisted living residences shall keep and maintain accurate records

identifying veterans and their spouses residing within such facilities. Such information shall be solicited by asking prospective and current residents the question “Have you or your spouse ever served in the United States military?” Admission forms and resident files must include the answer to this question.

(2) Every assisted living residence licensed and certified by the department shall in writing advise all individuals identifying themselves as veterans or spouses of veterans that benefit assistance to veterans and their spouses is available through the Department of Veterans’ Services and local veterans’ service agencies; and provide the name, address, and telephone number of the New York State Department of Veterans’ Services, the nearest Department of Veterans’ Services office, the nearest county or city veterans’ service agency, and the nearest accredited veterans’ service officer.

(3) With the permission of the individuals identifying as veterans or spouses of veterans, the assisted living residence shall transmit veteran status information to the Department of Veterans’ Services.

Subparagraph (xvi) of paragraph (2) of subdivision (b) of Section 1001.8 is amended to make clear that every resident shall have the right to written notice of any fee increase not less than forty-five days prior to the proposed effective date of the fee increase, provided however, providing additional services to a resident shall not be considered a fee increase.

Subdivision (j) of Section 1001.11 is amended to remove the specified minimum nursing coverage requirements.

Subdivisions (k), (l), (m), (n), and (p) of Section 1001.11 are repealed.

Section 1001.13 is repealed and replaced by a new section 1001.13, which contains updated structural and environmental standards.

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

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

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

Regulatory Impact Statement

Statutory Authority:

Public Health Law (PHL) section 4662 authorizes the Commissioner of Health (Commissioner) to adopt and amend regulations to implement the purposes and provisions of PHL Article 46-B, including the establishment of uniform standards governing the operation of Assisted Living Residences (ALRs). Additionally, section 461(1) of the Social Services Law (SSL) provides authority for the Commissioner to promulgate regulations for adult care facilities, including adult homes and enriched housing, which serve as the base licensure for ALRs.

Public Health Law Section 2805 o, as amended by Laws of 2022, Chapter 56, Part PP, Section 78, is the statutory authority for the amendments to subdivision (g) of Section 1001.7.

Legislative Objectives:

The legislative objective of SSL section 461 and PHL section 4662 is to promote the life, health, safety and comfort of adults residing in adult care facilities.

The legislative objective of Public Health Law Section 2805 o is to ensure that adult care facilities keep and maintain accurate records concerning the veteran status of their residents and to notify veterans that they may be eligible for benefits.

Needs and Benefits:

The proposed regulatory changes will advance the Legislature’s objectives to protect the health and well-being of adult care facility residents by providing smoke and fire protection to the residents and staff of the facility. These changes will allow strong safety measures in the event of an emergency facility evacuation. The applicable building code references have been made current, as advancements made in the fire and smoke protection industry have enhanced since the regulations were first promulgated. Further, ALRs are held to the newer standards, and there is a need to support those standards through regulation, lending to consistent application of the standards.

Also, this regulation deletes portions of regulations that the Department is not legally able to enforce for the reasons explained in the Adult Care Facility “Dear Administrator Letter” dated September 21, 2010 (DAL 10-10). Specifically, pursuant to settlement of 2008 litigation brought by the Empire State Association of Assisted Living and the New York Coalition of Quality Assisted Living, Section 1001.11 was updated to reflect that nursing coverage is to be maintained not at a minimum of eight hours per day but rather on an as is determined necessary basis to support the residents’ needs as documented in the residents’ medical evaluation, by the residents’ physicians, and/or in the resident’s Individualized Service Plan. In addition, to ensure that updates made comport to the litigation settlement, operators of ALRs are not required to obtain the Department’s approval on the sale or lease of real property so such language has been

stricken, and a paragraph in the existing regulation requiring notice of fee increase that was annulled by the litigation settlement is amended here to reflect the annulment.

In addition, this regulation implements Public Health Law Section 2805 o, which will allow adult care facilities keep and maintain accurate records concerning the veteran status of their residents and notify veterans that they may be eligible for benefits.

Costs:

Costs for the Implementation of and Continuing Compliance with these Regulations to the Regulated Entity:

This regulation is applicable to Assisted Living Residences (ALRs) as defined in Public Health Law Article 46-B. New York State Building Codes must be adhered to when facilities are constructed. These regulations provide conformity with the Building Codes. As such, the additional costs of compliance are minimal.

Cost to State and Local Government:

This regulation does not impose any costs on State or local governments.

Cost to the Department of Health:

This regulation does not impose any costs on the Department of Health. The Department will be able to use existing resources to update surveillance staff and regulated parties regarding these regulatory amendments.

Local Government Mandates:

This amendment does not impose any new programs, services, duties, or responsibilities on local governments, unless they operate an ALR, in which case the compliance requirements will be the same as for private ALR operators.

Paperwork:

To comply with proposed changes to subdivision 1001.7 of Title 10 of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR), ALRs need to document individualized information to link consenting veterans and/or their spouses with available veterans' services. Such documentation may pose a minimal paperwork increase. Changes to subdivision 1001.13 of Title 10 of the NYCRR will eliminate the need for certain paperwork currently required in the licensure/certification process, specifically with regard to substitute heat detection in lieu of smoke detection where ambient conditions make smoke detection unreliable (i.e., in attics). Otherwise, there are no additional paperwork requirements imposed by this proposed change.

Duplication:

These amendments do not conflict with any state or federal rules. Indeed, the proposed regulations will align with programmatic policy interpretations and current building code standards in New York State.

Alternatives:

Since the Department issued the Adult Care Facility "Dear Administrator Letter" dated September 21, 2010 (DAL 10-10) notifying facilities that certain regulations would not be enforced, the Department has nevertheless left those regulations in place. This has proven problematic both for operators and Department surveillance staff responsible for regulatory compliance, requiring reference to guidance documents that explain which regulations must be followed and resulting in an unacceptable error rate. Accordingly, it is no longer viable to leave regulations on the books that the Department cannot enforce.

An alternative would be to leave current environmental standards in place. However, this alternative is not viable because the current environmental standards must be updated to align with current building codes and life safety standards, often resulting in a cumbersome licensure/certification process for new ALRs.

The Department has a responsibility to implement Public Health Law Section 2805 o. Surveillance staff rely on Department regulations to know and enforce the rules for the facilities they regulate, and they cannot be expected to enforce laws that are not reflected in regulation.

Federal Requirements:

No applicable federal requirements exist.

Compliance Schedule:

The regulation is effective upon publication of the Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

These regulations would require Assisted Living Residences (ALRs) to adhere to updated environmental standards, including building and fire code standards, to align with current New York State code standards and best protect ALR residents in the event of an emergency, such as a fire. Currently, there are no ALRs operated by county governments and there are 483 ACFs that have 100 or fewer employees and therefore qualify as small businesses.

Compliance Requirements:

Subdivision (i) of Section 1001.4 is amended to remove the requirement that an operator shall not, without the prior written approval of the Department, convey title to, or enter into a lease or other use agreement, or amend an existing lease or use agreement, with respect to the real prop-

erty on which the residence is located. Subdivision (g) of Section 1001.7 is amended to add provisions regarding the identification of veterans and their spouses so that residents may be referred for services available to veterans and their spouses. Subparagraph (xvi) of paragraph (2) of subdivision (b) of Section 1001.8 is amended to make clear that every resident shall have the right to written notice of any fee increase not less than forty-five days prior to the proposed effective date of the fee increase. Subdivision (j) of Section 1001.11 is amended to remove the specified minimum nursing coverage requirements. Subdivisions (k), (l), (m), (n), and (p) of Section 1001.11 are repealed. Section 1001.13 is repealed and replaced by a new section 1001.13, which contains updated structural and environmental standards.

All Department of Health-regulated ALRs must comply with the revised requirements.

Professional Services:

There are no additional professional services required as a result of this regulation.

Compliance Costs:

Because the regulations are drafted to reflect and align with current code requirements, facilities that are code-compliant will bear no costs to comply and minimal costs to maintain compliance. Facilities that are not code-compliant will bear costs to align with current environmental requirements designed to protect residents and property in the event of an emergency.

Economic and Technological Feasibility:

The proposed regulation is expected to be financially and technologically feasible; currently, all adult care facilities, including ALRs, are required to be in compliance with current New York State Building Codes and local municipality codes and zoning regulations. Because the regulations are drafted to reflect and align with current code requirements, facilities that are code-compliant will face minimal disruption to comply and maintain compliance. Facilities that are not code-compliant may experience challenges required to align with current environmental requirements designed to protect residents and property in the event of an emergency.

Minimizing Adverse Impact:

The Department will work with facilities to provide guidance on changes to environmental standards and respond to questions relating to the new standards.

Small Business and Local Government Participation:

All stakeholders, including individual facilities operated by small businesses and local governments, are invited to submit public comments in response to the filing of the proposed regulation. Additionally, the Department plans to issue a Dear Administrator Letter, alerting ALRs, including those operated by small businesses and local governments, of the publication of this regulation and the opportunity to provide public comments.

Cure Period:

The regulation does not set forth a cure period, as current NYS Building Code offers no relief period and immediate compliance is necessary to align with existing New York State building codes and adequately protect ALR residents from harm in the event of an emergency.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout New York State, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<https://www.census.gov/quickfacts/>).

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

Schenectady County

The following counties have a population of 200,000 or greater and towns with population densities of 150 persons or fewer per square mile. Data is based upon the United States Census estimated county populations for 2010.

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

115 Assisted Living Residences (ALRs) are located in these identified rural areas.

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

Subdivision (i) of Section 1001.4 is amended to remove the requirement that an operator shall not, without the prior written approval of the Department, convey title to, or enter into a lease or other use agreement, or amend an existing lease or use agreement, with respect to the real property on which the residence is located. Subdivision (g) of Section 1001.7 is amended to add provisions regarding the identification of veterans and their spouses so that residents may be referred for services available to veterans and their spouses. Subparagraph (xvi) of paragraph (2) of subdivision (b) of Section 1001.8 is amended to make clear that every resident shall have the right to written notice of any fee increase not less than forty-five days prior to the proposed effective date of the fee increase. Subdivision (j) of Section 1001.11 is amended to remove the specified minimum nursing coverage requirements. Subdivisions (k), (l), (m), (n), and (p) of Section 1001.11 are repealed. Section 1001.13 is repealed and replaced by a new section 1001.13, which contains updated structural and environmental standards.

All Department of Health-regulated ALRs must comply with the revised requirements, including facilities located in rural areas. There are no reporting or recordkeeping requirements set forth in the proposed rule, nor are there any additional professional services required as a result of this regulation.

Costs:

Because the regulations are drafted to reflect and align with current policy interpretations and code requirements, facilities should bear no added costs to comply and minimal costs are to maintain compliance. However, facilities that are not code-compliant will bear costs to align with current environmental requirements designed to protect residents and property in the event of an emergency.

Minimizing Adverse Impact:

The Department will work with facilities and design industry professionals to provide guidance and respond to questions relating to the new standards.

Rural Area Participation:

All stakeholders, including individual facilities located in rural areas, are invited to submit public comments in response to the filing of the proposed regulation. Additionally, the Department plans to issue a Dear Administrator Letter, alerting ALRs, including those located in rural areas, of the publication of this regulation and the opportunity to provide public comments.

Job Impact Statement

No Job Impact Statement is required pursuant to section 201-a(2)(a) of the State Administrative Procedure Act (SAPA). It is apparent, from the nature of the proposed amendment, that it will have no impact on jobs and employment opportunities.

Lake George Park Commission

NOTICE OF ADOPTION

Addition of Waste Water Management Regulations Within the Lake George Park

I.D. No. LGP-36-22-00006-A

Filing No. 254

Filing Date: 2023-03-21

Effective Date: 2023-04-05

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

Action taken: Addition of Subpart 646-3 to Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 43-0107(8), (12), (32), 43-0110 and 43-0125(3)

Subject: Addition of Waste Water Management Regulations within the Lake George Park.

Purpose: The regulations are intended to protect the waters of Lake George from wastewater pollution.

Text of final rule: SUBPART 646-3
WASTEWATER MANAGEMENT

646-3.1 General Purpose

The purpose of this Subpart is to preserve and protect the water quality and ecology of Lake George and protect the health, safety and welfare of residents and visitors to the Lake George basin by ensuring compliance with design and maintenance standards for wastewater treatment systems, providing consistent review of such systems, and optimizing the efficacy of these systems to prevent degradation of the Lake from wastewater pollution.

646-3.2 Applicability

(a) This Subpart shall apply to the discharge of sewage and the design, construction, operation, and maintenance of Wastewater Treatment Systems located in the Lake George basin;

(b) The requirements of this Subpart are in addition to, and not in lieu of, the requirements for wastewater treatment systems set forth in local codes, New York State Public Health Law, the Environmental Conservation Law (ECL), and implementing regulations. Wherever a conflict exists between this Subpart and any local or State laws or regulations, the more restrictive provision shall apply.

646-3.3 Definitions

Terms used in this Subpart shall have the meaning as defined in Commission regulations at 6 NYCRR Parts 645 and 646, 10 NYCRR Part 75, Appendix A (NYS DOH 75-A), and the Department of Environmental Conservation's Design Standards for Wastewater Treatment Systems in the Lake George Basin, as applicable, except the following terms as used in this Subpart shall mean the following:

(a) DEC Design Standards means the Design Standards for Wastewater Treatment Works in the Lake George Basin published in March 2015 by the Department of Environmental Conservation (Department) and available on the Department's website.

(b) DOH 75-A means the Wastewater Treatment Standards—Residential Onsite Systems adopted by the New York State Department of Health at 10 NYCRR Appendix 75-A.

(c) Failing Wastewater Treatment System shall mean a wastewater treatment system that is characterized by any of the following:

(1) Discharge of untreated or partially treated wastewater directly or indirectly to surface waters or the ground surface including overflow outlets, broken system elements, surface breakouts, ponding or saturated soil areas;

(2) The presence of a metal septic tank;

(3) Lack of a pre-treatment vessel (e.g. septic tank) prior to effluent discharge to any subsurface treatment area (e.g. soil absorption field), such as with a cesspool;

(4) Lack of a subsurface treatment area in instances where holding tanks are not used;

(5) A backup of sewage into the dwelling, building, septic tank, or distribution box, including effluent flowing back into the septic tank from a soil treatment area during pump out;

(6) A septic tank that requires pumping more than four times per year; or

(7) A septic tank that has less than 50% of the required capacity per DOH 75-A and DEC Design Standards, as applicable.

(d) Qualified Wastewater Inspector means Commission staff or a person who is expressly authorized by the Commission, and is:

(1) a professional engineer licensed in the State of New York, or

(2) certified, trained, or licensed in the discipline(s) of septic system design, installation and/or inspection.

(e) Redevelopment Project means the demolition or abandonment of an existing structure and the construction of a new structure.

(f) Responsible Management Entity (RME) means a legal entity with the requisite managerial, financial, and technical capacity to ensure long-term management of wastewater treatment systems. RMEs may include sewer districts, utilities, municipal authorities, or other entities with the authority to enforce and the capacity to finance the long-term operation and maintenance requirements necessary to ensure wastewater treatment systems are functioning properly.

(g) Review Authority means the municipal, county, and/or State office(s) with wastewater jurisdiction responsible for implementing local standards, regional standards, DOH 75-A and/or the DEC Design Standards. For purposes of section 646-3.8 of this Subpart, Review Authority does not include the Department.

(h) *Substandard Wastewater Treatment System* means a wastewater treatment system that is found to be designed, constructed, or functioning in non-conformance with the applicable standards of this Subpart, DOH 75-A, or the DEC Design Standards. A Substandard Wastewater Treatment System shall include a wastewater treatment system characterized by any of the following conditions, unless construction of the system has been expressly permitted pursuant to DOH 75-A or DEC Design Standards, with variances or waivers as applicable, by the appropriate Review Authority:

(1) a septic tank that has less than 100% of the required capacity per DOH 75-A and DEC Design Standards, as applicable;

(2) an absorption area located less than 50 feet to the mean high water mark of Lake George or less than 50 feet to the high water mark of a AA-S stream designated or mapped by the Department pursuant to ECL section 17-0301; or

(3) an absorption area that has less than 75% of the required capacity (e.g. absorption trench or seepage pit dimension).

(i) *Wastewater Inspection* means a professional assessment of a wastewater treatment system conducted by a Qualified Wastewater Inspector for the purposes of determining the adequacy of a wastewater treatment system's performance and compliance with the applicable standards.

(j) *Wastewater Inspection Program Area* means the area located within 500 feet of the mean high water mark of Lake George and the area located within 100' of high water mark of a AA-S stream designated or mapped by the Department pursuant to ECL section 17-0301.

(k) *Wastewater Treatment System* means the complete system of conduit, tanks, absorption area, or other facilities for the collection, treatment, or disposal of household, commercial, or industrial wastewater, and excludes any State or municipal Publicly Owned Treatment Works (POTW).

646-3.4 Prohibitions

(a) No person shall own, operate, or maintain a Wastewater Treatment System that is Failing.

(b) No person shall own, operate, or maintain a Wastewater Treatment System that is Substandard except as authorized by the Commission within the terms of this Subpart.

(c) No person shall inhibit or prohibit a Wastewater Inspection as directed by the Commission in accordance with this Subpart.

646-3.5 Systems Exempt from the Wastewater Treatment System Inspection Program and Fees

(a) The following properties and wastewater treatment systems are exempt from the Wastewater Treatment System Inspection Program and fees in this Subpart:

(1) Any property located inside the Wastewater Inspection Program Area, but which is serviced by a tank and any absorption area located entirely outside the Wastewater Inspection Program Area.

(2) A Wastewater Treatment System located inside the Wastewater Inspection Program Area that is managed and maintained by a RME that conducts the following activities:

(i) a regular pump out at intervals no greater than every five years,

(ii) an inspection consistent with the standards of this Subpart by a Qualified Wastewater Inspector; and

(iii) compliance with the maintenance and reporting standards in section 646-3.9 of this Subpart.

(3) Any Wastewater Treatment System located inside the Wastewater Inspection Program Area that has received a Wastewater Inspection that is consistent with the standards of this Subpart and which is undertaken in accordance with laws or regulations of an applicable Review Authority, such as a required inspection upon property transfer, shall be exempt from the inspection and fee requirements of this Subpart for the subsequent five years following that inspection, provided sufficient and timely documentation is submitted to the Commission in accordance with the maintenance and reporting standards in section 646-3.9 of this Subpart.

(4) Persons claiming exemption under this section shall bear the burden of demonstrating that all the requirements for an exemption are met.

646-3.6 Wastewater Treatment System Inspection Program

(a) All Wastewater Treatment Systems in the Wastewater Inspection Program Area shall be subject to a Wastewater Inspection every five years unless otherwise directed by the Commission or exempted by section 646-3.5 of this Subpart.

(b) Any Wastewater Treatment System in the Lake George basin may be subject to a Wastewater Inspection to ensure the system is not a source of pollution and confirm that the system is compliant with the terms of this Subpart.

(c) Wastewater Inspections shall be conducted by Commission staff or by a Qualified Wastewater Inspector, as directed or authorized by the Commission.

(d) Wastewater Inspections shall be undertaken in accordance with forms provided by the Commission containing the information required by subdivision (g) of this section. Completed forms shall be filed with the Commission within 30 days of a wastewater inspection by the Qualified Wastewater Inspector.

(e) Prior to inspection, all septic tanks, seepage pits and drain field distribution boxes accepting effluent from a septic tank must be uncovered and opened by the landowner or their agent.

(f) The Wastewater Inspection shall include a septic tank pump out by a septic hauler registered with the Department pursuant to 6 NYCRR Part 364.

(g) Wastewater Inspections shall include, at a minimum, a review and diagram of the septic tank, distribution box, leaching components, and fixtures discharging to the system, and may include review of the number of bedrooms or applicable commercial units associated with the system as well as accepted methods for evaluation of system performance (e.g. dye testing).

(h) If a Wastewater Treatment System in the Lake George basin is found to be Failing, the Commission shall afford the landowner a reasonable time period to bring the system into compliance with applicable design standards. The time period afforded for compliance shall be commensurate with the hazard the system poses to public health, the water quality of Lake George, and the natural resources of the basin, but shall not exceed six (6) months from the date of documented Failure. In instances of ongoing or imminent hazard, such as wastewater collecting on the ground surface or a direct discharge to a surface water, the Commission may require immediate action including repair, replacement, and/or remediation as necessary.

(i) If a Wastewater Treatment System in the Lake George basin is found to be Substandard, the Commission shall afford the landowner a reasonable time commensurate with the hazard the system poses to public health, the water quality of Lake George, and the natural resources of the basin to bring the system into compliance with applicable design standards. The time period afforded for compliance shall not exceed five years from the date of the documented Substandard condition.

(j) No modification, repair, or construction of a Wastewater Treatment System shall be undertaken until all necessary permits and approvals are obtained from the Review Authorities having jurisdiction. All such permits and associated design plans shall be retained by the landowner, and provided to the Commission upon request in such format as may be directed (e.g. electronic pdf).

(k) The Commission may grant extensions to the time periods afforded to landowners for Wastewater Treatment System compliance for good cause.

646-3.7 Annual Program Fees for the Wastewater Treatment Inspection Program

(a) Each property served by a Wastewater Treatment System for which the tank, absorption area, or other treatment component is located in whole or in part within the Wastewater Inspection Program Area shall be subject to annual fees to be paid by the landowner in accordance with the following schedule:

(1) Residential Wastewater Treatment System: \$50

(2) Commercial Wastewater Treatment System: \$100.

(b) Each property served by a Wastewater Treatment System located in whole or in part within the Wastewater Inspection Program Area that discharges solely to holding tanks that does not have a wastewater leaching component (e.g. absorption area) is subject to an annual inspection fee as follows:

(1) Residential Holding Tank System: \$25

(2) Commercial Holding Tank System: \$50.

(c) Fees required pursuant to this section shall be due and payable April 1st of each calendar year and shall be deemed timely paid if paid on or before that date.

(d) Fees shall be paid to the "Lake George Park Commission" at the following address: PO Box 749, Fort George Road, Lake George, NY 12845, or through online payment system as provided by the Commission.

(e) Penalties for non-payment shall be processed in accordance with Commission regulations at 6 NYCRR 645-7.4.

646-3.8 Wastewater Treatment System Design in the Lake George Basin

All new and replacement Wastewater Treatment Systems constructed in the Lake George basin shall comply with the standards of DOH 75-A or the DEC Design Standards, as applicable, with additional standards noted herein:

(a) The reduction in absorption area and trench length allowed by DOH 75-A or the DEC Design Standards for Enhanced Treatment Units (10 NYCRR Appendix 75A.6(b)(6)(ii)(d)) as well as Open-Bottom Gravelless Chambers (10 NYCRR Appendix 75-A.8(c)(3)(i)) shall not apply to Wastewater Treatment Systems in the Lake George basin;

(b) The soil absorption area for Wastewater Treatment Systems constructed in the Lake George basin shall be located a minimum of 36 inches above seasonal high groundwater and bedrock;

(c) The soil absorption area for Wastewater Treatment Systems constructed in the Lake George basin shall be located a minimum of 100 feet from any stream, lake, or wetland;

(d) Redevelopment projects shall not utilize existing Wastewater Treat-

ment Systems that are noncompliant with the design standards at the time of construction. Upon redevelopment, the Wastewater Treatment System servicing that structure shall be brought into compliance with the applicable design standards;

(e) A variance or waiver, as applicable, shall be required from the Review Authority when standards for wastewater treatment system design at subdivisions (a), (b), or (c) of this section cannot be met. Waivers and variances shall be processed in accordance with the administrative standards of the Review Authority.

(f) Any Wastewater Treatment System that requires a variance, waiver, or deviation from the design standards at subdivisions (a), (b), or (c) of this section, or from DOH 75-A or DEC Design Standards for the sizing of an absorption area or septic tank shall employ additional methods, measures, and/or practices determined to be the most practical and effective for reducing the introduction of phosphorus to the environment. Such measures shall be appropriate for the site and commensurate with the variance, waiver, or deviation requested, and may include but shall not be limited to enhanced treatment units, absorption area dosing, phosphorus filters, filtration media, enhanced absorption area characteristics (e.g. soil depth), and holding tanks.

Any such measure must be consistent with generally accepted engineering practices, and shall be supported by certified third party testing and/or research published in professional, peer reviewed journals.

646-3.9 Wastewater Treatment System Maintenance and Reporting Requirements

The following shall apply to all Wastewater Treatment Systems in the Lake George basin:

(a) All Wastewater Treatment Systems in the Lake George basin shall be pumped out by a department-registered septic hauler in accordance with Department and Department of Health guidance, as applicable, but no less than once every ten years, or once every five years for systems subject to the Wastewater Treatment System Inspection Program.

(b) Records of all Wastewater Treatment System pump outs, inspections, repairs, and related construction permits and design plans shall be retained by the landowner for the life of the system and made available to the Commission upon request and in such format as may be directed (e.g. electronic pdf).

(c) All enhanced treatment units shall have an Operation and Maintenance agreement with the manufacturer, the manufacturer's representative, or an equivalent alternative authorized by the Commission. Inspection and maintenance records shall be retained by the landowner for the life of the system and made available to the Commission upon request.

(d) Within the Wastewater Inspection Program Area, when a Wastewater Inspection is conducted by a Qualified Inspector other than Commission staff, such as an inspector associated with a RME, maintenance and inspection records for the Wastewater Treatment System shall be provided to the Commission at least once every five years on such forms containing the information required by subdivision (g) of section 646-3.6 of this Subpart, or in such manner as provided by the Commission to demonstrate compliance with the standards of this subpart.

646-3.10 Administration of Regulatory Programs

(a) The Commission shall administer and enforce the Wastewater Inspection Program. The Commission may enter into agreements with Review Authorities for cooperative administration of the provisions of this Subpart, or may delegate administrative authority to Review Authorities, provided that any such agreement and administration is consistent with the intent, purpose and standards of this Subpart. Such agreements shall not limit the Commission from taking enforcement action if it determines that a violation of this Subpart endangers the health, safety and welfare of the public or results in damage to the natural resources of the Park.

(b) When a Wastewater Inspection results in the finding of a Failing or Substandard system, the Commission shall, as necessary, recommend the owner retain a NYS licensed professional engineer experienced in subsurface treatment systems and refer the landowner to the appropriate Review Authority for Wastewater Treatment System design and construction review and approval.

(c) To avoid duplicative jurisdiction and administration of Wastewater Treatment System permit programs, the terms of this Subpart do not convey permit jurisdiction to the Commission.

Permit jurisdiction associated with the design and construction of Wastewater Treatment Systems, and all powers associated therewith, shall remain with the Review Authorities for Wastewater Treatment Systems in the Lake George basin. At the time of promulgation, the Review Authorities include the Town of Queensbury, Village of Lake George, Town of Lake George, Town of Bolton, Town of Hague, Town of Ticonderoga, Washington County, the Department, and the Department of Health.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 646-3.3(h), 646-3.8(a), (f), 646-3.9(c) and 646-3.10(c).

Text of rule and any required statements and analyses may be obtained from: Dave Wick, Executive Director, Lake George Park Commission, 75 Fort George Road, Lake George, NY 12845, (518) 668-9347, email: dave@lgpc.state.ny.us.gov

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

The changes made to the last published rule do not necessitate revision to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement because they are not substantive and do change the purpose or any section set forth in the original Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Section 646-3.3(h) added the language "with variances or waivers" to the definition of Substandard Wastewater Treatment System to include those options into the definition, which does not change the meaning of the subsection.

Section 646-3.8(a) added the specific New York Code of Rules and Regulations section number of the DEC Design Standards for Enhanced Treatment Units and Open-Bottom Gravelless Chambers, which does not change the meaning of the subsection.

Section 646-3.8(f) moved the words "holding tanks" to the end of the last sentence, which does not change the meaning of the subsection.

Section 646-3.9(c) added "or an equivalent alternative authorized by the Commission" to clarify the Operation and Maintenance agreement, which does not change the meaning of the subsection.

Section 646-3.10(c) added "Town of Bolton" which was a scrivener's oversight, and does not change the meaning of the subsection.

These changes are merely grammatical or clarifying.

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 Commission received 504 letters from the public regarding its proposed wastewater regulations and septic inspection program. Overall the public response was very positive to this regulatory initiative, with the comment breakdown as follows: those who fully support the program – 478 people, those who support the program with modifications – 11 people, those who oppose the program – 15 people. In summary, approximately 97% of the individuals who provided written comment to the Commission about this new regulatory program are supportive of it. Approximately 3% oppose the proposed regulations.

The supporters of the program focused on the identified threat of failing septic systems to Lake George, and the need for enhanced standards for new and replacement systems. The individuals who supported the program but with modifications generally were seeking a broader population of properties to be included in the inspection program, or even more stringent standards. Those who opposed the program indicated their opposition was largely due to private property rights issues and concerns over state employees coming on their properties to conduct the inspections.

The Commission's overall summary evaluation of the initiative and the public comments received was that there is a clearly identified need coupled with overwhelming support for this initiative in the affected Lake George region. As such, the agency Board of Commissioners voted unanimously to approve this regulatory package.

New York State Police

INFORMATION NOTICE

**Amendment to the Rules of
The New York State Police
Pursuant To Article II, Section 215, Subdivision 3
Of the Executive Law of the State of New York**

Rule 1, "Appointment to Position of Trooper" of the Rules of the New York State Police, filed with and published by the Department of State as Subtitle K of Title 9, Part 475, of the Official Compilation of Codes, Rules and Regulations, is amended to read as follows:

PART 475

APPOINTMENT TO POSITION OF TROOPER

(Statutory Authority: Executive Law, § 215, Subd. 3)

Rule 1: APPOINTMENT TO POSITION OF TROOPER

1.1 (9 NYCRR Section 475.1) Appointment Procedure

(a) Appointment to the position of Trooper in the New York State Police shall be made from an eligible list established by competitive examination.

(b) An applicant who is the child or spouse of a Member of the New York State Police killed in the line of duty, and is otherwise qualified, shall have a preferred right to appointment to the State Police Academy.

(c) An applicant must be a citizen of the United States and be at least 20 years old and no older than age [29]34 on the date of the application [deadline] for the competitive examination. The applicant must also have good moral character, pass a physical and mental examination, and meet any other standards set by the Superintendent. The Superintendent may extend [the] this age limit up to [six (6)] seven (7) years in recognition of active military service as defined under the Military Law.

(d) The Superintendent may authorize one or more supplemental competitive examinations for individuals who, on the application deadline date or on the date of the regular competitive examination, are in active military service. Applicants who qualify to take a supplemental competitive examination, must take the first one offered after their release from active military service. An applicant may, if available, take a supplemental competitive examination while in active military service. Applicants who successfully complete a supplemental competitive examination will have their names entered in rank order on the established eligibility list.

(e) Candidates for appointment, while in active military service, shall retain their rights and status on an eligible list. If a candidate's name is reached for further processing or appointment while he or she is in active military service, the candidate's name shall be placed on a special military eligible list in the order of his or her original standing. The State Police shall canvass individuals on the special military eligible list for further processing or appointment before canvassing individuals on the original or any subsequent eligible list.

(f) Candidates whose names appear on the special military eligible list shall remain eligible for further processing or appointment for a period of two years following the termination of active military service or two years following the expiration of the original eligible list, whichever is shorter.

(g) All appointments shall be probationary for a period that shall include time spent attending the basic school and terminate one year after successful completion of the basic school. Upon satisfactory completion of the period of probation, appointments will become permanent.

1.2 (9 NYCRR 475.2) Termination Of Services During Probationary Period

(a) If a probationary Member's conduct, performance, physical condition, or health is unsatisfactory during the probationary period, the Superintendent may terminate the probationary Member's employment.

(b) The Superintendent will give a probationary Member notice of impending termination one week before its effective date. In lieu of this notice, the Superintendent may compensate the probationary Member with an amount equal to one week of the probationary Member's salary. The Superintendent will not give notice, nor grant any payment, to a probationary Member whose employment is terminated for misconduct.

1.3 (9 NYCRR 475.3) Longevity Payment Calculation

(a) A member who resigns after completing his/her initial probationary period, but is subsequently appointed again to a member position, shall have a longevity payment calculated to include prior service when:

1. he/she successfully completes the Academy Basic School for a second time and completes the probationary period associated with the second appointment; or

2. is reinstated pursuant to the provisions of Rule 6.

rupted gas service to its customers in the Allegany, Livingston, and Wyoming counties by allowing FGC to recover the line of credit costs as a reasonable operating expense under the Company tariff's Gas Cost Adjustment Clause (GAC) and defer interest costs FGC has already incurred through the GAC.

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

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

Specific reasons underlying the finding of necessity: It was necessary for Fillmore Gas Company, Inc. (FGC or the Company) to respond to the elevated gas prices charged by FGC's gas supplier going into the winter of 2022, combined with the higher gas consumption projected for the winter period, and a delay between the Company's invoice for gas purchases and revenues from customer billing, by obtaining a line of credit for the purchase of natural gas. FGC seeks Commission authorization to recover the interest costs from its customers through the Company tariff's Gas Cost Adjustment Clause (GAC) and to defer interest costs FGC has already incurred for collection through the GAC. Absent immediate Commission action, the continued interest payments on the line of credit without recovery from customers would be detrimental to FGC's financial health and threaten the Company's ability to continue uninterrupted gas service. In order to address this potential impact on the financial health of the utility and the need for continued gas service to customers to protect the public's health, safety and welfare, this action cannot wait for the 60 day comment period to expire.

Subject: Authorization for Fillmore Gas Company, Inc. to collect interest payments on a bank line of credit from its customers.

Purpose: To ensure Fillmore Gas Company, Inc. can continue to provide uninterrupted gas service to its customers.

Substance of emergency/proposed rule: The Public Service Commission (Commission) is considering a petition filed on January 27, 2023, by Fillmore Gas Company, Inc. (FGC or the Company). The Company proposes to recover interest on a bank line of credit it obtained for purchasing gas for its approximately 1,200 customers in parts of Allegany, Livingston, and Wyoming counties.

The Company states that gas prices from its supplier Energy Mark, LLC rose in the summer period of 2022 to a high of \$8.6 per 1000 cubic feet in June 2022 from \$2.8 on average for the summer period of 2021. FGC contends that it would not have been able to buy enough gas to meet projected winter sales volumes at this price because the Company pays for natural gas purchases solely through its revenue from gas purchases that FGC receives approximately two months after FGC receives an invoice for the purchase. The Company requests Commission authorization on an emergency basis for FGC to recover interest costs on the bank line of credit as a reasonable operating expense under the Company tariff's Gas Cost Adjustment Clause (GAC). FGC also requests Commission authorization for GAC to use deferral accounting for collecting interest costs FGC has already incurred since opening the line of credit under the GAC as FGC claims the interest costs will be detrimental to its financial health and threaten the Company's ability to continue uninterrupted service.

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

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire June 14, 2023.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Department of Public Service, 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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(23-G-0077EP1)

Public Service Commission

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Authorization for Fillmore Gas Company, Inc. to Collect Interest Payments on a Bank Line of Credit from Its Customers

I.D. No. PSC-14-23-00002-EP

Filing Date: 2023-03-17

Effective Date: 2023-03-17

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

Proposed Action: The Commission adopted an order on an emergency basis on March 17, 2023, authorizing Fillmore Gas Company, Inc. (FGC or the Company) to recover interest charges on a bank line of credit from its customers. The Company's recovery of these charges addresses potential impacts to FGC's financial health and ability to provide uninter-

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

Appointment of a Temporary Operator

I.D. No. PSC-14-23-00003-EP
Filing Date: 2023-03-17
Effective Date: 2023-03-17

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

Proposed Action: The Commission adopted an order on an emergency basis on March 17, 2023, appointing Liberty Utilities (New York Water) Corp. the temporary operator for the Sylvan Glades Water Co., Inc. water system located in the Town of Rochester, Ulster County.

Statutory authority: Public Service Law, sections 89-b, 89-c and 112-a

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

Specific reasons underlying the finding of necessity: After the death of the owners of the Sylvan Glades Water Co., Inc., who left no will, the operation of the system became uncertain. While the actions of the owners' heirs and local municipal officials have helped to keep the system's ratepayers supplied with water, the Commission determined that a more permanent and certain solution was needed to fulfill its obligation to ensure Sylvan Glades Water Co., Inc. continues to provide safe and adequate service to its ratepayers and therefore appointed Liberty Utilities (New York Water) Corp. temporary operator of the system pursuant to Public Service Law § 112-a. This action is required on an emergency basis in order to ensure that Sylvan Glades Water Co., Inc. can continue to provide safe and adequate water service to its customers. Due to the need for continued safe and adequate water service to protect the public's health, safety and welfare, this action cannot wait for the 60 day comment period to expire.

Subject: Appointment of a temporary operator.

Purpose: To ensure safe water supply through appointment of a temporary operator.

Substance of emergency/proposed rule: The Public Service Commission (Commission) is considering a request, filed by Sylvan Glades Water Co., Inc. (Sylvan Glades) on March 2, 2023, to appoint Liberty Utilities (New York Water) Corp. (Liberty) temporary operator of the Sylvan Glades Water Co., Inc. water system located in the Town of Rochester, Ulster County.

The water system is located in the Sylvan Glades Subdivision located along Queens Highway off Route 209, in the Town's Hamlet of Accord, Ulster County. The system serves approximately 38 metered residential customers. Sylvan Glades does not provide fire protection service. In late 2022, the Commission began to receive customer complaints about service interruptions that referred to the death of the system's owner. While the immediate service interruption was resolved with the help of local municipalities, the Commission determined that a long-term solution was needed to ensure safe and adequate service for Sylvan Glade ratepayers. When exploration of a local entity assuming responsibility for the system proved fruitless, the Commission contacted Liberty, which agreed to be appointed temporary operator of the system as authorized by the Public Service Law.

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

This notice is intended: to serve as both a notice of emergency adoption and a notice of proposed rule making. The emergency rule will expire June 14, 2023.

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Department of Public Service, 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 amended rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(23-W-0105EP1)

NOTICE OF ADOPTION**Staff Proposal on Tax Credits**

I.D. No. PSC-37-21-00009-A
Filing Date: 2023-03-20
Effective Date: 2023-03-20

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

Action taken: On 3/16/23, the PSC adopted an order approving, with modifications, Department of Public Service Staff's (Staff) Proposal regarding Tax Law 187-q and grants the certificates of debt relief tax credits.

Statutory authority: Public Service Law, sections 4(1), 5(1), 65, 66; Tax Law Section 187-q

Subject: Staff Proposal on tax credits.

Purpose: To approve, with modification, Staff's Proposal and grant certificates of debt relief tax credits.

Substance of final rule: The Commission, on March 16, 2023, adopted an order approving, with modifications, Department of Public Service Staff's (Staff) Proposal regarding Tax Law § 187-q and grants the applications for certificates of debt relief tax credits filed by Pennsylvania Electric Company, The Brooklyn Union Gas Company d/b/a National Grid NY, Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., KeySpan Gas East Corporation d/b/a National Grid, National Fuel Gas Distribution Corporation, New York State Electric and Gas Corporation, Rochester Gas and Electric Corporation, Niagara Mohawk Power Corporation d/b/a National Grid and Orange and Rockland Utilities, Inc. for the amounts of waived customer debt specified in each of the taxpayer's applications, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 15, 2021 issue of the Register, I.D. No. PSC-37-21-00009-P.

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

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

Assessment of Public Comment

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

(21-M-0254SA1)

NOTICE OF ADOPTION**Cost Recovery for the Greenpoint Vaporizers 13 & 14 Project**

I.D. No. PSC-37-22-00006-A
Filing Date: 2023-03-16
Effective Date: 2023-03-16

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

Action taken: On 3/16/23, the PSC adopted an order denying The Brooklyn Union Gas Company d/b/a National Grid NY's (KEDNY) request for cost recovery of the Greenpoint Vaporizers 13 & 14 Project.

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

Subject: Cost recovery for the Greenpoint Vaporizers 13 & 14 Project.

Purpose: To deny KEDNY's request for cost recovery.

Substance of final rule: The Commission, on March 16, 2023, adopted an order denying The Brooklyn Union Gas Company d/b/a National Grid NY's (KEDNY) request for cost recovery of the Greenpoint Vaporizers 13 & 14 Project. KEDNY shall include a discussion of the potential future need for the Vaporizers 13 & 14 Project in its gas long-term plan and annual update filings as provided for in Case 20-G-0131. KEDNY is authorized to recover approximately \$10.5 million in design, engineering, and permitting costs, as well as the costs of the independent consultant related to the Vaporizers 13 & 14 Project, through the Demand Capacity Surcharge Mechanism over a 12-month period beginning July 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the September 14, 2022 issue of the Register, I.D. No. PSC-37-22-00006-P.

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

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

Assessment of Public Comment

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

(19-G-0309SA4)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-47-22-00006-A

Filing Date: 2023-03-20

Effective Date: 2023-03-20

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

Action taken: On 3/16/23, the PSC adopted an order approving 9 Dekalb Fee Owner LLC's (9 Dekalb) notice of intent to submeter electricity at 55 Fleet Street, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 9 Dekalb's notice of intent to submeter electricity.

Substance of final rule: The Commission, on March 16, 2023, adopted an order approving 9 Dekalb Fee Owner LLC's notice of intent to submeter electricity at 55 Fleet Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

Text or summary was published in the November 23, 2022 issue of the Register, I.D. No. PSC-47-22-00006-P.

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

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

Assessment of Public Comment

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

(22-E-0500SA1)

NOTICE OF ADOPTION

Submetering of Electricity

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

Filing Date: 2023-03-21

Effective Date: 2023-03-21

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

Action taken: On 3/16/23, the PSC adopted an order approving 75 Lewis Avenue LLC's (75 Lewis Avenue) notice of intent to submeter electricity at 75 Lewis Avenue, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 75 Lewis Avenue's notice of intent to submeter electricity.

Substance of final rule: The Commission, on March 16, 2023, adopted an order approving 75 Lewis Avenue LLC's notice of intent to submeter electricity at 75 Lewis Avenue, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc. The Commission also concludes that the energy audit and energy efficiency

plan requirements of 16 NYCRR § 96.5(k)(3) do not apply, subject to the terms and conditions set forth in the order.

Text or summary was published in the November 23, 2022 issue of the Register, I.D. No. PSC-47-22-00007-P.

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

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

Assessment of Public Comment

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

(22-E-0531SA1)

NOTICE OF ADOPTION

Tariff Amendments Regarding Distributed Energy Resources (DERs)

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

Filing Date: 2023-03-17

Effective Date: 2023-03-17

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

Action taken: On 3/16/23, the PSC adopted an order approving the Joint Utilities' tariff amendments allowing customers with DERs to sell energy and capacity within the wholesale markets administered by NYISO, to become effective on July 1, 2023.

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

Subject: Tariff amendments regarding Distributed Energy Resources (DERs).

Purpose: To approve the Joint Utilities' tariff amendments.

Substance of final rule: The Commission, on March 16, 2023, adopted an order approving Central Hudson Gas and Electric Corporation, Consolidated Edison Company of New York, Inc., Niagara Mohawk Power Corporation d/b/a National Grid, New York State Electric & Gas Corporation, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation's (collectively, the Joint Utilities) tariff amendments to each Joint Utilities' electric tariff to allow customers with Distributed Energy Resources (DERs) to sell energy and capacity within the wholesale markets administered by the New York Independent System Operator, Inc. (NYISO). The tariff modifications are intended to ensure consistency with the Federal Energy Regulatory Commission (FERC) Order Nos. 841 and 2222 that sought to remove barriers preventing DERs (including electric storage resources) from participating in wholesale markets regulated by FERC. The tariff amendments shall become effective on July 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the November 23, 2022 issue of the Register, I.D. No. PSC-47-22-00008-P.

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

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

Assessment of Public Comment

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

(22-E-0549SA1)

NOTICE OF ADOPTION

Submetering of Electricity

I.D. No. PSC-49-22-00018-A

Filing Date: 2023-03-20

Effective Date: 2023-03-20

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

Action taken: On 3/16/23, the PSC adopted an order approving 70 Remsen Street Tenants Corp.'s (70 Remsen) notice of intent to submeter electricity at 70 Remsen Street, Brooklyn, New York.

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

Subject: Submetering of electricity.

Purpose: To approve 70 Remsen's notice of intent to submeter electricity.

Substance of final rule: The Commission, on March 16, 2023, adopted an order approving 70 Remsen Street Tenants Corp.'s notice of intent to submeter electricity at 70 Remsen Street, Brooklyn, New York, located in the service territory of Consolidated Edison Company of New York, Inc., subject to the terms and conditions set forth in the order.

Text or summary was published in the December 7, 2022 issue of the Register, I.D. No. PSC-49-22-00018-P.

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

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

Assessment of Public Comment

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

(22-E-0458SA1)

NOTICE OF ADOPTION

Waivers for Recovery of Under Collected Electric Energy Efficiency Transition Implementation Costs

I.D. No. PSC-49-22-00020-A

Filing Date: 2023-03-17

Effective Date: 2023-03-17

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

Action taken: On 3/16/23, the PSC adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition for waivers of Rules 57.1.3, 57.1.3.3, and 57.1.3.4, contained in P.S.C. No. 220 - Electricity.

Statutory authority: Public Service Law, sections 5(1)(b), 66(1) and (12)(b)

Subject: Waivers for recovery of under collected Electric Energy Efficiency Transition Implementation costs.

Purpose: To grant National Grid's petition for waivers.

Substance of final rule: The Commission, on March 16, 2023, adopted an order approving Niagara Mohawk Power Corporation d/b/a National Grid's (National Grid) petition for waivers of Rules 57.1.3, 57.1.3.3, and 57.1.3.4, to allow for the recovery of under collected Electric Energy Efficiency Transition Implementation Plan costs, contained in P.S.C. No. 220 - Electricity. National Grid shall include the under-recovery associated with Electric Energy Efficiency Transition Implementation Plan costs for Service Classification No. 2D for recovery in its annual Revenue Decoupling Mechanism effective July 1, 2023. National Grid shall file, on not less than three days' notice and to be effective April 1, 2023, a revised Revenue Decoupling Mechanism Statement necessary to collect the Electric Energy Efficiency Transition Implementation Plan costs for Service Classification Nos. 3 and 3A. National Grid's request for waivers of the newspaper publication requirements of Public Service Law § 66(12)(b) and Title 16 of the New York Codes, Rules and Regulations 16 NYCRR § 720-8.1 is also granted. National Grid shall directly notify each of the customers in the Service Classification No. 3 and Service Classification No. 3A Revenue Decoupling Mechanism Reconciliation Groups. National Grid is directed to file with the Secretary to the Commission, no later than seven days after the issuance of the order, a copy of the customer notification, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 7, 2022 issue of the Register, I.D. No. PSC-49-22-00020-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.

(20-E-0380SA3)

NOTICE OF ADOPTION

Modifications to Energy Storage Solicitations

I.D. No. PSC-51-22-00002-A

Filing Date: 2023-03-16

Effective Date: 2023-03-16

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

Action taken: On 3/16/23, the PSC adopted an order directing the Joint Utilities to file further tariff modifications to energy storage solicitations, to become effective on June 1, 2023.

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

Subject: Modifications to energy storage solicitations.

Purpose: To direct the Joint Utilities to file further tariff modifications to energy storage solicitations.

Substance of final rule: The Commission, on March 16, 2023, adopted an order directing Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation d/b/a National Grid, Orange and Rockland Utilities, Inc., and Rochester Gas and Electric Corporation, collectively known as the Joint Utilities, to file further tariff modifications to energy storage solicitations, to become effective on June 1, 2023. The Joint Utilities are directed to file updated implementation plans detailing the competitive direct solicitation and procurement process for qualified energy storage systems reflecting the changes adopted in the order, within 30 days of the effective date of the order. The Joint Utilities are also directed to file tariff revisions, as necessary to effectuate cost recovery of the contract costs authorized in the order, on not less than 30 days' notice, to become effective on a permanent basis on June 1, 2023, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 21, 2022 issue of the Register, I.D. No. PSC-51-22-00002-P.

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

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

Assessment of Public Comment

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

(18-E-0130SA12)

NOTICE OF ADOPTION

Tariff Amendments

I.D. No. PSC-52-22-00010-A

Filing Date: 2023-03-17

Effective Date: 2023-03-17

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

Action taken: On 3/16/23, the PSC adopted an order approving National Fuel Gas Distribution Corporation's (NFG) tariff amendments to P.S.C. No. 9—Gas, implementing a System Improvement Tracker (SIT) surcharge, to become effective on April 1, 2023.

Statutory authority: Public Service Law, sections 4 and 66

Subject: Tariff amendments.

Purpose: To approve NFG's tariff amendments.

Substance of final rule: The Commission, on March 16, 2023, adopted an order approving National Fuel Gas Distribution Corporation's (NFG) tariff amendments to P.S.C. No. 9—Gas, implementing a System Improvement Tracker (SIT) surcharge which would enable recovery of qualified Leak Prone Pipe replacement costs incurred by NFG from April 1, 2023 through

September 30, 2024, to become effective on April 1, 2023. The Commission also approves the petition of NFG to institute a SIT contingent upon NFG not filing a request for new base rates to become effective prior to October 1, 2024. NFG shall develop and disseminate a bill message for customers explaining the SIT surcharge mechanism on the first bill implementing the surcharge. NFG shall file a copy of the bill message with the Secretary to the Commission within 30 days of implementing the surcharge, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 28, 2022 issue of the Register, I.D. No. PSC-52-22-00010-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-G-0703SA1)

NOTICE OF ADOPTION

Financing Petition

I.D. No. PSC-52-22-00012-A

Filing Date: 2023-03-17

Effective Date: 2023-03-17

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

Action taken: On 3/16/23, the PSC adopted an order approving Number Three Wind LLC's (NTW) petition to enter into financing arrangements up to a maximum amount of \$300 million.

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

Subject: Financing petition.

Purpose: To approve NTW's petition for financing.

Substance of final rule: The Commission, on March 16, 2023, adopted an order approving Number Three Wind LLC's (NTW) petition to enter into financing arrangements up to a maximum amount of \$300 million in relation to NTW's ownership and operation of the 103.9 megawatt (MW) Number Three Wind Project located in Lewis County, New York, subject to the terms and conditions set forth in the order.

Text or summary was published in the December 28, 2022 issue of the Register, I.D. No. PSC-52-22-00012-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (22-E-0660SA1)

NOTICE OF ADOPTION

IRM for the NYCA

I.D. No. PSC-01-23-00012-A

Filing Date: 2023-03-16

Effective Date: 2023-03-16

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

Action taken: On 3/16/23, the PSC adopted an order adopting an Installed Reserve Margin (IRM) of 20.0% for the New York Control Area (NYCA) for the 2023-2024 Capability Year, beginning May 1, 2023 and ending April 30, 2024.

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

Subject: IRM for the NYCA.

Purpose: To adopt an IRM of 20.0% for the NYCA for the 2023-2024 Capability Year.

Substance of final rule: The Commission, on March 16, 2023, adopted an order adopting an Installed Reserve Margin of 20.0% for the New York Control Area for the 2023-2024 Capability Year, beginning May 1, 2023 and ending April 30, 2024, established by the New York State Reliability Council, subject to the terms and conditions set forth in the order.

Text or summary was published in the January 4, 2023 issue of the Register, I.D. No. PSC-01-23-00012-P.

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

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

Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act. (07-E-0088SA17)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Petition to Submeter Electricity

I.D. No. PSC-14-23-00005-P

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

Proposed Action: The Commission is considering the petition of Park Slope Homes, Inc. to submeter electricity at 521—531 41st Street, Brooklyn, New York.

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

Subject: Petition to submeter electricity.

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

Substance of proposed rule: The Commission is considering the petition filed by Park Slope Homes, Inc (Owner) on December 20, 2022, seeking authority to submeter electricity at an existing market rate cooperative building, located at 521-531 41st Street, Brooklyn, New York, in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

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

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

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

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

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

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

(22-E-0710SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-14-23-00006-P

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

Proposed Action: The Commission is considering the notice of intent of Atlantic Towers Associates, L.P. to submeter electricity at 249 Thomas S. Boyland Street and 216 Rockaway Avenue, Brooklyn, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule:

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.

(23-E-0045SP1)

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

Waiver of 16 NYCRR sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2)

I.D. No. PSC-14-23-00007-P

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

Proposed Action: The Commission is considering a petition filed by Queensboro Development, LLC for waiver of certain provisions of 16 NYCRR regarding requirements for applications under PSL Article VII for Certificates of Environmental Compatibility and Public Need.

Statutory authority: Public Service Law, sections 4 and 122

Subject: Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2).

Purpose: To consider a waiver of certain regulations relating to the content of an application for transmission line siting.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed by Queensboro Development LLC (QD) on December 2, 2022, seeking waiver of Commission regulations 16 NYCRR § 86.3(a)(1), 86.3(a)(2) and 86.3(b)(2), which pertain to mapping requirements of applications filed pursuant to Public Service Law (PSL) Article VII.

QD, a wholly-owned indirect subsidiary of Rise Light & Power, LLC, filed an Article VII petition on December 2, 2022, seeking authorization to develop the Queensboro Renewable Express offshore transmission system, a ±400 kilovolt (kV) merchant transmission facility with the capacity to deliver approximately 2.62 gigawatts of wind energy generated in a Host Bureau of Ocean Energy Management Lease Area(s) to points of interconnection within the New York Independent System Operator Zone J in Queens, New York (the Project). The Project will be interconnected to the 345 kV Rainey Substation and the 138 kV Vernon Substation, which are owned and operated by Consolidated Edison Company of New York, Inc., and will be configured as two discrete high voltage direct current symmetric monopole circuits, defined as "Queensboro Circuit A" and "Queensboro Circuit B," which will be installed within a single submarine cable corridor.

Pursuant to 16 NYCRR § 86.3(a)(1), QD is required to submit New York State Department of Transportation (NYSDOT) topographic maps at 1:24,000 scale, showing: (i) the proposed right-of-way with a five-mile buffer on either side of the proposed facility location; (ii) where construction of the proposed facility would involve permanent changes to existing vegetation, topography or man-made structures; and (iii) any known historical, geologic, archaeological or scenic area, including parks and untouched wilderness, within three miles of the right-of-way. Noting that NYSDOT maps do not cover areas outside of New York State and therefore do not show areas within five miles of the Project that extend into New Jersey, QD requests a waiver of any requirement to show on NYSDOT maps those portions of the five-mile area surrounding the Project that are located in New Jersey.

16 NYCRR § 86.3(a)(2) requires that QD submit NYSDOT topographical maps at a scale of 1:250,000 showing: (i) the location, length and capacity of the proposed facility, and of any existing facility related to the proposed facility; (ii) the location and function of any structure to be built on, or adjacent to, the right-of-way; (iii) the location and designation of each point of interconnection between an existing and proposed facility; and (iv) nearby, crossing or connecting rights-of-way or facilities of other utilities. QD states that NYSDOT maps at a scale of 1:250,000 are not available for the Project area and requests approval to substitute the required NYSDOT maps with the latest United States Geological Survey (USGS) maps at 1:250,000 scale, showing the information required by Section 86.3(a)(2). QD states that it is also providing National Oceanic and Atmospheric Administration (NOAA) Raster Navigational Charts (at 1:10,000 and 1:150,000 scales) and 1:24,000-scale NYSDOT maps, which also show many of the features required by the statute but at a finer scale and in greater detail. For those reasons, QD requests that the Commission waive the requirement for NYSDOT maps at 1:250,000 scale and find the USGS map provided as Figure 2.4-1 of the Application sufficient to depict the requisite information.

Finally, 16 NYCRR § 86.3(b)(2) requires that QD submit various aerial photographs of the project area that were taken within six months of the filing date of its Application. QD requests waiver of the temporal requirement and states that the photographs provided in Figure 2.6-1 of the Application and dated March 21, 2020, are the latest publicly available aerial photographs of the Project area and adequately represent the current conditions along the proposed Project route.

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

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

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

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

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

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

(22-T-0670SP1)

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

Notice of Intent to Submeter Electricity and Waiver Request

I.D. No. PSC-14-23-00008-P

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

Proposed Action: The Commission is considering a notice of intent for

Bethany Senior Terraces to submeter electricity at 604 East 40th Street, Brooklyn, New York, and request for waiver of the energy audit requirements of 16 NYCRR section 96.5(k)(3).

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

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

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

Substance of proposed rule: The Commission is considering the notice of intent filed by Bethany Senior Terrace (Owner) on January 17, 2023, seeking authority to submeter electricity at a new residential multi-building complex, offering affordable rental units, located at 604 East 40th Street, Brooklyn, New York, 11203, in the service territory of Consolidated Edison Company of New York, Inc., (Con Edison).

The Commission is also considering the Owner's request for a waiver of 16 NYCRR § 96.5(k)(3), the requirement to conduct an energy audit. On March 15, 2023, the Owner submitted a revised filing to provide some additional information in support of the notice of intent and correct some information in the initial filing.

In the Notice, the Owner requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its tenants. The Owner also requests a waiver of 16 NYCRR § 96.5(k)(3), which requires proof that an energy audit has been conducted when 20 percent or more of the residents receive income-based housing assistance. The Owner states that because the building is a new construction, it is, therefore subject to New York City Energy Conservation Code (NYCECC), which sets energy-efficiency standards for new construction, and the Commission should waive the energy audit requirements of 16 NYCRR § 96.5(k)(3). Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(23-E-0037SP1)

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No. | Subject Matter | Location—Date—Time |
|----------------------------------|---|--|
| Education Department | | |
| EDU-09-23-00031-P | Special Education Due Process Hearings | <p>Via Zoom—May 1, 2023, 11:30 a.m. Link: https://us06web.zoom.us/j/84161631017?pwd=ajk0NlloeTBOR1BSc1g0ZDRmelBZZz09 Meeting ID: 841 6163 1017, Passcode: w0QRHu, Call In: +1 646 558 8656 US (New York)</p> <p>Via Zoom—May 1, 2023, 6:00 p.m. Link: https://us06web.zoom.us/j/87150443913?pwd=aDdGU2JPZWNXa1J2aU5BYWlGLzBodz09 Meeting ID: 871 5044 3913, Passcode: VWm9UT, Call In: +1 646 558 8656 US (New York)</p> <p>Education Department, 89 Washington Ave., Albany, NY—May 2, 2023, 4:00 p.m.</p> <p>Pre-registration is required at stakeholderDPU@nysed.gov or (518) 473-0170</p> <p>Sign-In with Security on 1st Floor Washington Avenue Entrance</p> |
| Health, Department of | | |
| HLT-12-23-00013-P | Newborn Hearing Screening | <p>Empire State Plaza Convention Center, Meeting Rm. One, 279 Madison Ave., Albany, NY—April 13, 2023, 11:00 a.m.</p> |
| Public Service Commission | | |
| PSC-02-23-00025-P | Proposed Major Rate Increase in Con Edison’s Annual Revenues by \$137 million | <p>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)*</p> <p>*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.</p> |
| State, Department of | | |
| DOS-05-23-00018-P | Certification and Training of Code Enforcement Personnel | <p>Department of State, 99 Washington Ave., Rm. 505, Albany, NY—April 5, 2023, 10:00 a.m.</p> |
| DOS-13-23-00003-P | Uniform Code Variance and Appeal Procedures | <p>Department of State, 99 Washington Ave., Rm. 505, Albany, NY—May 31, 2023, 10:00 a.m.</p> |

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

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

AGING, OFFICE FOR THE

| | | | |
|-------------------|----------------|-------------------|---|
| AGE-02-23-00020-P | 01/11/24 | Nutrition Program | The purpose of this rule is to update the regulations governing the Nutrition Program |
|-------------------|----------------|-------------------|---|

AGRICULTURE AND MARKETS, DEPARTMENT OF

| | | | |
|-------------------|----------------|--|--|
| AAM-09-23-00032-P | 02/29/24 | 2023 National Institute of Standards and Technology ("NIST") Handbook 44 | To incorporate provisions of the 2023 Edition National Institute of Standards and Technology Handbook 44 |
|-------------------|----------------|--|--|

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 |
|--------------------|----------------|--|---|

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 |
|-------------------|----------------|--------------------|---|

| | | | |
|-------------------|----------------|---------------------------|--|
| OCM-14-23-00011-P | 04/04/24 | Cannabis Research License | The proposed rule establishes the application process, requirements and prohibitions associated with the Cannabis Research License |
|-------------------|----------------|---------------------------|--|

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|-------------------------------|--|
| CHILDREN AND FAMILY SERVICES, OFFICE OF | | | |
| CFS-14-23-00010-P | 04/04/24 | Updates to foster care rates | To update various rules related to foster care rates and to make technical corrections |
| CIVIL SERVICE, DEPARTMENT OF | | | |
| 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-06-23-00001-P | 02/08/24 | Jurisdictional Classification | To delete and to classify a position in the exempt and non-competitive classes |
| CVS-06-23-00002-P | 02/08/24 | Jurisdictional Classification | To classify a position in the exempt class. |
| CVS-06-23-00003-P | 02/08/24 | Jurisdictional Classification | To classify positions in the non-competitive class |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|-------------------------------------|----------|-------------------------------|---|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-06-23-00004-P | 02/08/24 | Jurisdictional Classification | To classify positions in the exempt class. |
| CVS-06-23-00005-P | 02/08/24 | Jurisdictional Classification | To classify a position in the exempt class. |
| CVS-06-23-00006-P | 02/08/24 | Jurisdictional Classification | To delete positions from and to classify positions in the exempt and non-competitive classes |
| CVS-06-23-00007-P | 02/08/24 | Jurisdictional Classification | To delete a position from and to classify a position in the exempt class. |
| CVS-06-23-00008-P | 02/08/24 | Jurisdictional Classification | To delete positions from and to classify positions in the non-competitive class |
| CVS-06-23-00009-P | 02/08/24 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-09-23-00001-P | 02/29/24 | Jurisdictional Classification | To classify a position in the exempt class and to delete a position from and to classify positions in the non-competitive class |
| CVS-09-23-00002-P | 02/29/24 | Jurisdictional Classification | To classify a position in the exempt class and to classify positions in the non-competitive class |
| CVS-09-23-00003-P | 02/29/24 | Jurisdictional Classification | To classify positions in the exempt class. |
| CVS-09-23-00004-P | 02/29/24 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-09-23-00005-P | 02/29/24 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-09-23-00006-P | 02/29/24 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-09-23-00007-P | 02/29/24 | Jurisdictional Classification | To classify positions in the exempt class. |
| CVS-09-23-00008-P | 02/29/24 | Jurisdictional Classification | To classify positions in the exempt class. |
| CVS-09-23-00009-P | 02/29/24 | Jurisdictional Classification | To delete positions from and to classify positions in the non-competitive class |
| CVS-09-23-00010-P | 02/29/24 | Jurisdictional Classification | To classify positions in the exempt class and to classify positions from the non-competitive class |
| CVS-09-23-00011-P | 02/29/24 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-09-23-00012-P | 02/29/24 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-09-23-00013-P | 02/29/24 | Jurisdictional Classification | To delete a position from and to classify a position in the exempt class. |
| CVS-09-23-00014-P | 02/29/24 | Jurisdictional Classification | To classify a position in the exempt class. |
| CVS-09-23-00015-P | 02/29/24 | Jurisdictional Classification | To delete positions from and to classify positions in the non-competitive class |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|--|
| CIVIL SERVICE, DEPARTMENT OF | | | |
| CVS-09-23-00016-P | 02/29/24 | Jurisdictional Classification | To delete a position from and to classify a position in the exempt class. |
| CVS-13-23-00005-P | 03/28/24 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-13-23-00006-P | 03/28/24 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-13-23-00007-P | 03/28/24 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-13-23-00008-P | 03/28/24 | Jurisdictional Classification | To classify positions in the exempt class. |
| CVS-13-23-00009-P | 03/28/24 | Jurisdictional Classification | To classify positions in the exempt class. |
| CVS-13-23-00010-P | 03/28/24 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-13-23-00011-P | 03/28/24 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-13-23-00012-P | 03/28/24 | Jurisdictional Classification | To classify positions in the exempt class. |
| CVS-13-23-00013-P | 03/28/24 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-13-23-00014-P | 03/28/24 | Jurisdictional Classification | To delete a position from and to classify a position in the exempt class and to classify positions in the non-competitive class. |
| CVS-13-23-00015-P | 03/28/24 | Jurisdictional Classification | To classify positions in the non-competitive class |
| CVS-13-23-00016-P | 03/28/24 | Jurisdictional Classification | To classify a position in the non-competitive class |
| CVS-13-23-00024-P | 03/28/24 | Supplemental military leave benefits | To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2023 |
| COMMISSIONER OF PILOTS, BOARD OF | | | |
| COP-07-23-00002-P | exempt | Rate increases for pilot services. | To harmonize rates collected with increased costs for pilotage services. |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|--|---|
| 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-42-22-00004-RP | 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-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. |
| EDU-04-23-00004-EP | 01/25/24 | Continuing education requirements for licensed optometrists certified to prescribe and use therapeutic pharmaceutical agents. | To implement section 9 of Chapter 506 of the Laws of 2021. |
| EDU-04-23-00005-P | 01/25/24 | Educator certification for candidates from another state or territory of the United States or the District of Columbia. | To streamline the endorsement & comparable program pathways providing additional flexibility & increasing the pool of candidates |
| EDU-04-23-00006-EP | 01/25/24 | Removes requirement that a postdoctoral general practice or specialty dental residency program experience be clinically based | To implement Chapter 613 of the Laws of 2022. |
| EDU-04-23-00007-EP | 03/29/24 | Special education due process system procedures. | To implement the Department’s and the New York City Department of Education’s Memorandum of Agreement with New York City’s Office of Administrative Trials and Hearings to establish an administrative team of full-time impartial hearing officers |
| EDU-09-23-00028-P | 02/29/24 | The Indigenous Culture and Language Studies certificate. | To establish the Indigenous Culture and Language Studies certificate. |
| EDU-09-23-00029-P | 02/29/24 | Licensure of licensed behavior analysts and certification of behavior analyst assistants | To implement Chapter 818 of the Laws of 2021 and Chapter 641 of the Laws of 2022 and align provisions with national standards. |
| EDU-09-23-00030-EP | 02/29/24 | Pilot P-20 Partnerships for Principal Preparation Program. | To extend the September 30, 2022 end date of the pilot program to September 30, 2025. |
| EDU-09-23-00031-P | 05/01/24 | Special education due process hearings. | To amend due process hearing procedures relating to extensions, mediation and resolution, rules of conduct, and use of in-person, teleconference, and videoconference hearings |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|--|----------|---|---|
| EDUCATION DEPARTMENT | | | |
| EDU-13-23-00017-P | 03/28/24 | School counselor education program general registration requirements. | To require programs which lead to Initial and Professional certification to provide training in the prevention and intervention of school violence, harassment, bullying/discrimination and identification and reporting of suspected abuse or maltreatment |
| EDU-13-23-00018-P | 03/28/24 | Mental health practitioners' diagnostic privilege. | To implement sections 2 and 3 of Chapter 230 of the Laws of 2022. |
| ELECTIONS, STATE BOARD OF | | | |
| SBE-06-23-00012-EP | 02/08/24 | Provides for adjustment of campaign finance limits resulting from changes in the consumer price index | To adopt regulation specifically required by Election Law 14-114 (e) |
| SBE-13-23-00004-P | 03/28/24 | Procedures for failure to file enforcement proceedings. | Establishes expedited procedure for exclusively failure to file proceedings. |
| 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-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-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-45-22-00021-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 |
| ENV-10-23-00001-P | 03/07/24 | Regulations governing fisheries management of American shad in the Delaware River and cobia | Limit recreational harvest of species to ensure sustainability and consistency with interstate and federal FMPs |
| ENV-12-23-00005-EP | 03/21/24 | Regulations governing recreational and commercial fishing for striped bass. | To amend 6 NYCRR Part 40 pertaining to recreational and commercial regulations for striped bass. |
| 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-ERP | 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-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-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-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 |
| DFS-07-23-00003-P | 02/15/24 | General Duties, Accountability, and Transparency Provisions for Pharmacy Benefit Managers; Electronic Filings | To define and clarify the provisions of PHL 280-a(2) and to require electronic filings for PBMs |
| DFS-08-23-00001-P | 02/22/24 | Original issuance of license or change of control of a licensee | To eliminate existing language in the regulation that requires every licensed check cashing location to have a minimum dimension |
| DFS-14-23-00004-P | 04/04/24 | Permissible indices for variable rate loans. | To permit the use of CME Term SOFR as a replacement benchmark for LIBOR and to eliminate an obsolete index for savings & loans. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|--|--|
| 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-50-22-00009-P | 12/14/23 | Purchase location requirements for lottery courier services | To facilitate the proper sale of lottery tickets to generate revenue for education |
| SGC-08-23-00004-P | 02/22/24 | Amendments to rules governing the content of gaming facility license applications. | To govern the content of gaming facility license applications. |
| GAMING FACILITY LOCATION BOARD, NEW YORK | | | |
| GFB-04-23-00001-P | 01/25/24 | Minimum capital investment for additional gaming facility | To establish a minimum capital investment amount for additional gaming facilities |
| GFB-04-23-00002-P | 01/25/24 | License fee for additional gaming facility | To establish a license fee for additional gaming facilities |
| 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-12-22-00001-RP | 06/21/23 | Clinical Laboratories and Blood Banks | To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel |
| HLT-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-39-22-00020-P | 11/07/23 | Early Intervention Program | To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification |
| HLT-40-22-00002-P | 10/05/23 | Maximum Contaminant Levels (MCLs) | To adopt Maximum Contaminant Levels (MCLs) for four (4) additional per- and polyfluoroalkyl substances (PFAS). |
| HLT-41-22-00016-P | 10/12/23 | Licensure and Practice of Nursing Home Administration | To clarify and update the nursing home administrator licensure program. |
| HLT-42-22-00002-P | 10/19/23 | Medical Respite Program (MRP) | Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator. |
| HLT-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-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 |
| HLT-09-23-00020-P | 02/29/24 | Clinical Staffing in General Hospitals | Requires general hospitals to have clinical staffing committees and create clinical staffing plans. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|--|
| HEALTH, DEPARTMENT OF | | | |
| HLT-12-23-00001-P | 03/21/24 | Contingent Reserve Requirements for Managed Care Organizations (MCOs) | Maintains the contingent reserve requirement at 7.25% through 2023 applied to the Medicaid Managed Care, HIV SNP & HARP programs |
| HLT-12-23-00013-P | 04/12/24 | Newborn Hearing Screening | To improve follow-up after newborn hearing screening and articulate reporting requirements |
| HLT-14-23-00009-P | 04/04/24 | Assisted Living Residences | To update admission, operator authority, personnel, environmental standards&resident protections for assisted living residences. |
| 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-37-22-00004-P | 09/14/23 | Prevailing Wage for Aggregate Hauling | To clarify the application Labor Law § 220(3-a)(f) |
| LAB-13-23-00002-P | 03/28/24 | Update to the Worker Adjustment and Retraining Notification (WARN) Act Rules | To provide clarification and conform to statutory changes pursuant to Labor Law Section 860-b |
| LAW, DEPARTMENT OF | | | |
| LAW-12-23-00006-P | 03/21/24 | Presumptive cases of gross disparity under the price gouging law. | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00007-P | 03/21/24 | Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law. | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00008-P | 03/21/24 | Presumptive cases of gross disparity for purposes of the price gouging statute. | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00009-P | 03/21/24 | Application of price gouging prohibition to parties within the chain of distribution. | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|------------------------------------|----------|---|--|
| LAW, DEPARTMENT OF | | | |
| LAW-12-23-00010-P | 03/21/24 | Application of the price gouging law to dynamic pricing. | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00011-P | 03/21/24 | Presumptive cases of unfair leverage for purposes of the price gouging law. | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| LAW-12-23-00012-P | 03/21/24 | Costs not within the control of the defendant for purposes of the price gouging law. | To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions. |
| 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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|--|---|
| LONG ISLAND POWER AUTHORITY | | | |
| 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. |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------------|---|--|
| OGDENSBURG BRIDGE AND PORT AUTHORITY | | | |
| *OBA-33-18-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit |
| *OBA-07-19-00019-P | exempt | Increase in Bridge Toll Structure | To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit |
| PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR | | | |
| PDD-26-22-00005-P | 06/29/23 | Gender Identity and Expression | To ensure people are treated with dignity and respect |
| PDD-49-22-00004-P | 12/07/23 | Protection of Individuals Receiving Services | To add clarity and consistency |
| PDD-10-23-00002-EP | 03/07/24 | General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives | To increase IRA capacity in cases of emergent circumstances |
| PDD-10-23-00003-P | 03/07/24 | Eligibility Determinations | To establish the eligibility criteria for individuals applying for OPWDD services |
| 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 |
| PAS-11-23-00003-P | exempt | Rates for the Sale of Power and Energy | Maintain System's integrity. This increase in rates does not result from Power Authority's rate increase to the Village |
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-09-99-00012-P | exempt | Transfer of books and records by Citizens Utilities Company | To relocate Ogden Telephone Company's books and records out-of-state |
| *PSC-15-99-00011-P | exempt | Electronic tariff by Woodcliff Park Corp. | To replace the company's current tariff with an electronic tariff |
| *PSC-12-00-00001-P | exempt | Winter bundled sales service election date by Central Hudson Gas & Electric Corporation | To revise the date |
| *PSC-44-01-00005-P | exempt | Annual reconciliation of gas costs by Corning Natural Gas Corporation | To authorize the company to include certain gas costs |
| *PSC-07-02-00032-P | exempt | Uniform business practices | To consider modification |
| *PSC-36-03-00010-P | exempt | Performance assurance plan by Verizon New York | To consider changes |
| *PSC-40-03-00015-P | exempt | Receipt of payment of bills by St. Lawrence Gas Company | To revise the process |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-41-03-00010-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-41-03-00011-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries | To consider filings of various LDCs and municipalities |
| *PSC-44-03-00009-P | exempt | Retail access data between jurisdictional utilities | To accommodate changes in retail access market structure or commission mandates |
| *PSC-02-04-00008-P | exempt | Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York | To rehear the Nov. 25, 2003 order |
| *PSC-06-04-00009-P | exempt | Transfer of ownership interest by SCS Energy LLC and AE Investors LLC | To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC |
| *PSC-10-04-00005-P | exempt | Temporary protective order | To consider adopting a protective order |
| *PSC-10-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue | To amend the agreement |
| *PSC-14-04-00008-P | exempt | Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds | To submeter gas service to commercial customers located at the Buffalo Speedway |
| *PSC-15-04-00022-P | exempt | Submetering of electricity by Glenn Gardens Associates, L.P. | To permit submetering at 175 W. 87th St., New York, NY |
| *PSC-21-04-00013-P | exempt | Verizon performance assurance plan by Metropolitan Telecommunications | To clarify the appropriate performance level |
| *PSC-22-04-00010-P | exempt | Approval of new types of electricity meters by Powell Power Electric Company | To permit the use of the PE-1250 electronic meter |
| *PSC-22-04-00013-P | exempt | Major gas rate increase by Consolidated Edison Company of New York, Inc. | To increase annual gas revenues |
| *PSC-22-04-00016-P | exempt | Master metering of water by South Liberty Corporation | To waive the requirement for installation of separate water meters |
| *PSC-25-04-00012-P | exempt | Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P. | To amend the agreement |
| *PSC-27-04-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-27-04-00009-P | exempt | Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates | To amend the agreement |
| *PSC-28-04-00006-P | exempt | Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation | To authorize participation in the parent corporation's line of credit |
| *PSC-31-04-00023-P | exempt | Distributed generation service by Consolidated Edison Company of New York, Inc. | To provide an application form |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-34-04-00031-P | exempt | Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc. | To set appropriate level of permanent rates |
| *PSC-35-04-00017-P | exempt | Application form for distributed generation by Orange and Rockland Utilities, Inc. | To establish a new supplementary application form for customers |
| *PSC-43-04-00016-P | exempt | Accounts recievable by Rochester Gas and Electric Corporation | To include in its tariff provisions for the purchase of ESCO accounts recievable |
| *PSC-46-04-00012-P | exempt | Service application form by Consolidated Edison Company of New York, Inc. | To revise the form and make housekeeping changes |
| *PSC-46-04-00013-P | exempt | Rules and guidelines governing installation of metering equipment | To establish uniform statewide business practices |
| *PSC-02-05-00006-P | exempt | Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc. | To consider imposing remedial actions against the company and its owners, officers and directors |
| *PSC-09-05-00009-P | exempt | Submetering of natural gas service by Hamlet on Olde Oyster Bay | To consider submetering of natural gas to a commercial customer |
| *PSC-14-05-00006-P | exempt | Request for deferred accounting authorization by Freeport Electric Inc. | To defer expenses beyond the end of the fiscal year |
| *PSC-18-05-00009-P | exempt | Marketer Assignment Program by Consolidated Edison Company of New York, Inc. | To implement the program |
| *PSC-20-05-00028-P | exempt | Delivery point aggregation fee by Allied Frozen Storage, Inc. | To review the calculation of the fee |
| *PSC-25-05-00011-P | exempt | Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation | To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11 |
| *PSC-27-05-00018-P | exempt | Annual reconciliation of gas costs by New York State Electric & Gas Corporation | To consider the manner in which the gas cost incentive mechanism has been applied |
| *PSC-41-05-00013-P | exempt | Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities | To consider the filings |
| *PSC-45-05-00011-P | exempt | Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation | To defer certain costs |
| *PSC-46-05-00015-P | exempt | Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC | To consider the sale |
| *PSC-47-05-00009-P | exempt | Transferral of gas supplies by Corning Natural Gas Corporation | To approve the transfer |
| *PSC-50-05-00008-P | exempt | Long-term debt by Saratoga Glen Hollow Water Supply Corp. | To obtain long-term debt |
| *PSC-04-06-00024-P | exempt | Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc. | To approve of the transfer |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-06-06-00015-P | exempt | Gas curtailment policies and procedures | To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established |
| *PSC-07-06-00009-P | exempt | Modification of the current Environmental Disclosure Program | To include an attributes accounting system |
| *PSC-22-06-00019-P | exempt | Hourly pricing by National Grid | To assess the impacts |
| *PSC-22-06-00020-P | exempt | Hourly pricing by New York State Electric & Gas Corporation | To assess the impacts |
| *PSC-22-06-00021-P | exempt | Hourly pricing by Rochester Gas & Electric Corporation | To assess the impacts |
| *PSC-22-06-00022-P | exempt | Hourly pricing by Consolidated Edison Company of New York, Inc. | To assess the impacts |
| *PSC-22-06-00023-P | exempt | Hourly pricing by Orange and Rockland Utilities, Inc. | To assess the impacts |
| *PSC-24-06-00005-EP | exempt | Supplemental home energy assistance benefits | To extend the deadline to Central Hudson's low-income customers |
| *PSC-25-06-00017-P | exempt | Purchased power adjustment by Massena Electric Department | To revise the method of calculating the purchased power adjustment and update the factor of adjustment |
| *PSC-34-06-00009-P | exempt | Inter-carrier telephone service quality standards and metrics by the Carrier Working Group | To incorporate appropriate modifications |
| *PSC-37-06-00015-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-37-06-00017-P | exempt | Procedures for estimation of customer bills by Rochester Gas and Electric Corporation | To consider estimation procedures |
| *PSC-43-06-00014-P | exempt | Electric delivery services by Strategic Power Management, Inc. | To determine the proper mechanism for the rate-recovery of costs |
| *PSC-04-07-00012-P | exempt | Petition for rehearing by Orange and Rockland Utilities, Inc. | To clarify the order |
| *PSC-06-07-00015-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for electric service |
| *PSC-06-07-00020-P | exempt | Meter reading and billing practices by Central Hudson Gas & Electric Corporation | To continue current meter reading and billing practices for gas service |
| *PSC-11-07-00010-P | exempt | Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc. | To implement the recommendations in the staff's investigation |
| *PSC-11-07-00011-P | exempt | Storm-related power outages by Consolidated Edison Company of New York, Inc. | To modify the company's response to power outages, the timing for any such changes and other related matters |
| *PSC-17-07-00008-P | exempt | Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc. | To amend the agreement |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-18-07-00010-P | exempt | Existing electric generating stations by Independent Power Producers of New York, Inc. | To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation |
| *PSC-20-07-00016-P | exempt | Tariff revisions and making rates permanent by New York State Electric & Gas Corporation | To seek rehearing |
| *PSC-21-07-00007-P | exempt | Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation | To revise the rates, charges, rules and regulations for gas service |
| *PSC-22-07-00015-P | exempt | Demand Side Management Program by Consolidated Edison Company of New York, Inc. | To recover incremental program costs and lost revenue |
| *PSC-23-07-00022-P | exempt | Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation | To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity |
| *PSC-24-07-00012-P | exempt | Gas Efficiency Program by the City of New York | To consider rehearing a decision establishing a Gas Efficiency Program |
| *PSC-39-07-00017-P | exempt | Gas bill issuance charge by New York State Electric & Gas Corporation | To create a gas bill issuance charge unbundled from delivery rates |
| *PSC-41-07-00009-P | exempt | Submetering of electricity rehearing | To seek reversal |
| *PSC-42-07-00012-P | exempt | Energy efficiency program by Orange and Rockland Utilities, Inc. | To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service |
| *PSC-42-07-00013-P | exempt | Revenue decoupling by Orange and Rockland Utilities, Inc. | To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc. |
| *PSC-45-07-00005-P | exempt | Customer incentive programs by Orange and Rockland Utilities, Inc. | To establish a tariff provision |
| *PSC-02-08-00006-P | exempt | Additional central office codes in the 315 area code region | To consider options for making additional codes |
| *PSC-03-08-00006-P | exempt | Rehearing of the accounting determinations | To grant or deny a petition for rehearing of the accounting determinations |
| *PSC-04-08-00010-P | exempt | Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation | To grant easement rights to Millennium Pipeline Company, L.L.C. |
| *PSC-04-08-00012-P | exempt | Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs | To consider modifying the commission's regulation over marketing practices of energy service companies |
| *PSC-08-08-00016-P | exempt | Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al. | To consider the transfer |
| *PSC-12-08-00019-P | exempt | Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation | To consider the request |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-12-08-00021-P | exempt | Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation | To consider the request |
| *PSC-13-08-00011-P | exempt | Waiver of commission policy and NYSEG tariff by Turner Engineering, PC | To grant or deny Turner's petition |
| *PSC-13-08-00012-P | exempt | Voltage drops by New York State Electric & Gas Corporation | To grant or deny the petition |
| *PSC-23-08-00008-P | exempt | Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project | To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project |
| *PSC-25-08-00007-P | exempt | Policies and procedures regarding the selection of regulatory proposals to meet reliability needs | To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs |
| *PSC-25-08-00008-P | exempt | Report on Callable Load Opportunities | Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years |
| *PSC-28-08-00004-P | exempt | Con Edison's procedure for providing customers access to their account information | To consider Con Edison's implementation plan and timetable for providing customers access to their account information |
| *PSC-31-08-00025-P | exempt | Recovery of reasonable DRS costs from the cost mitigation reserve (CMR) | To authorize recovery of the DRS costs from the CMR |
| *PSC-32-08-00009-P | exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008 | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program |
| *PSC-33-08-00008-P | exempt | Noble Allegany's request for lightened regulation | To consider Noble Allegany's request for lightened regulation as an electric corporation |
| *PSC-36-08-00019-P | exempt | Land Transfer in the Borough of Manhattan, New York | To consider petition for transfer of real property to NYPH |
| *PSC-39-08-00010-P | exempt | RG&E's economic development plan and tariffs | Consideration of the approval of RG&E's economic development plan and tariffs |
| *PSC-40-08-00010-P | exempt | Loans from regulated company to its parent | To determine if the cash management program resulting in loans to the parent should be approved |
| *PSC-41-08-00009-P | exempt | Transfer of control of cable TV franchise | To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved |
| *PSC-43-08-00014-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-46-08-00008-P | exempt | Property transfer in the Village of Avon, New York | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-46-08-00010-P | exempt | A transfer of indirect ownership interests in nuclear generation facilities | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities |
| *PSC-46-08-00014-P | exempt | The attachment of cellular antennae to an electric transmission tower | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower |
| *PSC-48-08-00005-P | exempt | A National Grid high efficiency gas heating equipment rebate program | To expand eligibility to customers converting from oil to natural gas |
| *PSC-48-08-00008-P | exempt | Petition for the master metering and submetering of electricity | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York |
| *PSC-48-08-00009-P | exempt | Petition for the submetering of electricity | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York |
| *PSC-50-08-00018-P | exempt | Market Supply Charge | A study on the implementation of a revised Market Supply Charge |
| *PSC-51-08-00006-P | exempt | Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458 | To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458 |
| *PSC-51-08-00007-P | exempt | Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 | To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078 |
| *PSC-53-08-00011-P | exempt | Use of deferred Rural Telephone Bank funds | To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds |
| *PSC-53-08-00012-P | exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY |
| *PSC-53-08-00013-P | exempt | To transfer common stock and ownership | To consider transfer of common stock and ownership |
| *PSC-01-09-00015-P | exempt | FCC decision to redefine service area of Citizens/Frontier | Review and consider FCC proposed redefinition of Citizens/Frontier service area |
| *PSC-02-09-00010-P | exempt | Competitive classification of independent local exchange company, and regulatory relief appropriate thereto | To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2 |
| *PSC-05-09-00008-P | exempt | Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues | To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing |
| *PSC-05-09-00009-P | exempt | Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects | To consider the long term impacts on steam rates and on public policy of various options concerning the steam system |
| *PSC-06-09-00007-P | exempt | Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-07-09-00015-P | exempt | Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property | To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets |
| *PSC-07-09-00017-P | exempt | Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm | To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm |
| *PSC-07-09-00018-P | exempt | Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY | To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York |
| *PSC-12-09-00010-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-12-09-00012-P | exempt | Charges for commodity | To charge customers for commodity costs |
| *PSC-13-09-00008-P | exempt | Options for making additional central office codes available in the 718/347 numbering plan area | To consider options for making additional central office codes available in the 718/347 numbering plan area |
| *PSC-14-09-00014-P | exempt | The regulation of revenue requirements for municipal utilities by the Public Service Commission | To determine whether the regulation of revenue requirements for municipal utilities should be modified |
| *PSC-16-09-00010-P | exempt | Petition for the submetering of electricity | To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York |
| *PSC-16-09-00020-P | exempt | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity |
| *PSC-17-09-00010-P | exempt | Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts | To permit electric utilities in New York State to use the Elster REX2 |
| *PSC-17-09-00011-P | exempt | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes |
| *PSC-17-09-00012-P | exempt | Petition for the submetering of gas at commercial property | To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY |
| *PSC-17-09-00014-P | exempt | Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff | To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff |
| *PSC-17-09-00015-P | exempt | The construction of a tower for wireless antennas on land owned by National Grid | To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga |
| *PSC-18-09-00012-P | exempt | Petition for rehearing of Order approving the submetering of electricity | To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York |
| *PSC-18-09-00013-P | exempt | Petition for the submetering of electricity | To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-18-09-00017-P | exempt | Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers | To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower |
| *PSC-20-09-00016-P | exempt | The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc | To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc |
| *PSC-20-09-00017-P | exempt | The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program | To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program |
| *PSC-22-09-00011-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-25-09-00005-P | exempt | Whether to grant, deny, or modify, in whole or in part, the petition | Whether to grant, deny, or modify, in whole or in part, the petition |
| *PSC-25-09-00006-P | exempt | Electric utility implementation plans for proposed web based SIR application process and project status database | To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation |
| *PSC-25-09-00007-P | exempt | Electric rates for Consolidated Edison Company of New York, Inc | Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc |
| *PSC-27-09-00011-P | exempt | Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P. |
| *PSC-27-09-00014-P | exempt | Billing and payment for energy efficiency measures through utility bill | To promote energy conservation |
| *PSC-27-09-00015-P | exempt | Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P. |
| *PSC-29-09-00011-P | exempt | Consideration of utility compliance filings | Consideration of utility compliance filings |
| *PSC-32-09-00009-P | exempt | Cost allocation for Consolidated Edison's East River Repowering Project | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project |
| *PSC-34-09-00016-P | exempt | Recommendations made in the Management Audit Final Report | To consider whether to take action or recommendations contained in the Management Audit Final Report |
| *PSC-34-09-00017-P | exempt | To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC | To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC |
| *PSC-36-09-00008-P | exempt | The increase in the non-bypassable charge implemented by RG&E on June 1, 2009 | Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009 |
| *PSC-37-09-00015-P | exempt | Sale of customer-generated steam to the Con Edison steam system | To establish a mechanism for sale of customer-generated steam to the Con Edison steam system |
| *PSC-37-09-00016-P | exempt | Applicability of electronic signatures to Deferred Payment Agreements | To determine whether electronic signatures can be accepted for Deferred Payment Agreements |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-39-09-00015-P | exempt | Modifications to the \$5 Bill Credit Program | Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program |
| *PSC-39-09-00018-P | exempt | The offset of deferral balances with Positive Benefit Adjustments | To consider a petition to offset deferral balances with Positive Benefit Adjustments |
| *PSC-40-09-00013-P | exempt | Uniform System of Accounts - request for deferral and amortization of costs | To consider a petition to defer and amortize costs |
| *PSC-51-09-00029-P | exempt | Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs | To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period |
| *PSC-51-09-00030-P | exempt | Waiver or modification of Capital Expenditure condition of merger | To allow the companies to expend less funds for capital improvement than required by the merger |
| *PSC-52-09-00006-P | exempt | ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology | To consider whether to change the Order Prescribing Study Methodology |
| *PSC-52-09-00008-P | exempt | Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000 | To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities |
| *PSC-05-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY |
| *PSC-05-10-00015-P | exempt | Petition for the submetering of electricity | To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY |
| *PSC-06-10-00022-P | exempt | The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility | To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility |
| *PSC-07-10-00009-P | exempt | Petition to revise the Uniform Business Practices | To consider the RESA petition to allow rescission of a customer request to return to full utility service |
| *PSC-08-10-00007-P | exempt | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 | Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847 |
| *PSC-08-10-00009-P | exempt | Consolidated Edison of New York, Inc. energy efficiency programs | To modify approved energy efficiency programs |
| *PSC-12-10-00015-P | exempt | Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations | To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations |
| *PSC-14-10-00010-P | exempt | Petition for the submetering of electricity | To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY |
| *PSC-16-10-00005-P | exempt | To consider adopting and expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-16-10-00007-P | exempt | Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications |
| *PSC-16-10-00015-P | exempt | Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications |
| *PSC-18-10-00009-P | exempt | Electric utility transmission right-of-way management practices | To consider electric utility transmission right-of-way management practices |
| *PSC-19-10-00022-P | exempt | Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York | To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York |
| *PSC-22-10-00006-P | exempt | Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service | Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service |
| *PSC-22-10-00008-P | exempt | Petition for the submetering of electricity | To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York |
| *PSC-24-10-00009-P | exempt | Verizon New York Inc. tariff regulations relating to voice messaging service | To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff |
| *PSC-25-10-00012-P | exempt | Reassignment of the 2-1-1 abbreviated dialing code | Consideration of petition to reassign the 2-1-1 abbreviated dialing code |
| *PSC-27-10-00016-P | exempt | Petition for the submetering of electricity | To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York |
| *PSC-34-10-00003-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-34-10-00005-P | exempt | Approval of a contract for \$250,000 in tank repairs that may be a financing | To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs |
| *PSC-34-10-00006-P | exempt | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program | The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program |
| *PSC-36-10-00010-P | exempt | Central Hudson's procedures, terms and conditions for an economic development plan | Consideration of Central Hudson's procedures, terms and conditions for an economic development plan |
| *PSC-40-10-00014-P | exempt | Disposition of a state sales tax refund | To determine how much of a state sales tax refund should be retained by National Grid |
| *PSC-40-10-00021-P | exempt | Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall | To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall |
| *PSC-41-10-00018-P | exempt | Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter | Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-41-10-00022-P | exempt | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY |
| *PSC-42-10-00011-P | exempt | Petition for the submetering of electricity | To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York |
| *PSC-43-10-00016-P | exempt | Utility Access to Ducts, Conduit Facilities and Utility Poles | To review the complaint from Optical Communications Group |
| *PSC-44-10-00003-P | exempt | Third and fourth stage gas rate increase by Corning Natural Gas Corporation | To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase |
| *PSC-51-10-00018-P | exempt | Commission proceeding concerning three-phase electric service by all major electric utilities | Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities |
| *PSC-11-11-00003-P | exempt | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service |
| *PSC-13-11-00005-P | exempt | Exclude the minimum monthly bill component from the earnings test calculation | Exclude the minimum monthly bill component from the earnings test calculation |
| *PSC-14-11-00009-P | exempt | Petition for the submetering of electricity | To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York |
| *PSC-19-11-00007-P | exempt | Utility price reporting requirements related to the Commission's "Power to Choose" website | Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website |
| *PSC-20-11-00012-P | exempt | Petition for the submetering of electricity | To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York |
| *PSC-20-11-00013-P | exempt | Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges | To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable |
| *PSC-22-11-00004-P | exempt | Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications | To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter |
| *PSC-26-11-00007-P | exempt | Water rates and charges | To approve an increase in annual revenues by about \$25,266 or 50% |
| *PSC-26-11-00009-P | exempt | Petition for the submetering of electricity at commercial property | To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York |
| *PSC-26-11-00012-P | exempt | Waiver of generation retirement notice requirements | Consideration of waiver of generation retirement notice requirements |
| *PSC-29-11-00011-P | exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-35-11-00011-P | exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8 | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters |
| *PSC-36-11-00006-P | exempt | To consider expanding mobile stray voltage testing requirements | Adopt additional mobile stray voltage testing requirements |
| *PSC-38-11-00002-P | exempt | Operation and maintenance procedures pertaining to steam trap caps | Adopt modified steam operation and maintenance procedures |
| *PSC-38-11-00003-P | exempt | Waiver of certain provisions of the electric service tariffs of Con Edison | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison |
| *PSC-40-11-00010-P | exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE) | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE |
| *PSC-40-11-00012-P | exempt | Granting of transfer of plant in-service to a regulatory asset | To approve transfer and recovery of unamortized plant investment |
| *PSC-42-11-00018-P | exempt | Availability of telecommunications services in New York State at just and reasonable rates | Providing funding support to help ensure availability of affordable telecommunications service throughout New York |
| *PSC-43-11-00012-P | exempt | Transfer of outstanding shares of stock | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC |
| *PSC-47-11-00007-P | exempt | Remedying miscalculations of delivered gas as between two customer classes | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations |
| *PSC-48-11-00007-P | exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG |
| *PSC-48-11-00008-P | exempt | Petition for the submetering of electricity | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York |
| *PSC-01-12-00007-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-01-12-00008-P | exempt | Transfer of real property and easements from NMPNS to NMP3 | Consideration of the transfer of real property and easements from NMPNS to NMP3 |
| *PSC-01-12-00009-P | exempt | Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove | To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered |
| *PSC-11-12-00002-P | exempt | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff | Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff |
| *PSC-11-12-00005-P | exempt | Transfer of land and water supply assets | Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman |
| *PSC-13-12-00005-P | exempt | Authorization to transfer certain real property | To decide whether to approve the transfer of certain real property |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-19-12-00023-P | exempt | Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000 | To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc. |
| *PSC-21-12-00006-P | exempt | Tariff filing requirements and refunds | To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted |
| *PSC-21-12-00011-P | exempt | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47 |
| *PSC-23-12-00007-P | exempt | The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility | To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility |
| *PSC-23-12-00009-P | exempt | Over earnings sharing between rate payers and shareholders | To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan |
| *PSC-27-12-00012-P | exempt | Implementation of recommendations made in a Management Audit Report | To consider implementation of recommendations made in a Management Audit Report |
| *PSC-28-12-00013-P | exempt | Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism | Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics |
| *PSC-29-12-00019-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-30-12-00010-P | exempt | Waiver of 16 NYCRR 894.1 through 894.4 | To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-33-12-00009-P | exempt | Telecommunications companies ability to attach to utility company poles | Consideration of Tech Valley's ability to attach to Central Hudson poles |
| *PSC-37-12-00009-P | exempt | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers |
| *PSC-42-12-00009-P | exempt | Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements | To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements |
| *PSC-45-12-00008-P | exempt | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff |
| *PSC-45-12-00010-P | exempt | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District | Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District |
| *PSC-50-12-00003-P | exempt | Affiliate standards for Corning Natural Gas Corporation | To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing |
| *PSC-04-13-00006-P | exempt | Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW | To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-04-13-00007-P | exempt | Authorization to transfer certain real property | To decide whether to approve the transfer of certain real property |
| *PSC-06-13-00008-P | exempt | Verizon New York Inc.'s retail service quality | To investigate Verizon New York Inc.'s retail service quality |
| *PSC-08-13-00012-P | exempt | Filing requirements for certain Article VII electric facilities | To ensure that applications for certain electric transmission facilities contain pertinent information |
| *PSC-08-13-00014-P | exempt | Uniform System of Accounts - Request for Accounting Authorization | To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred |
| *PSC-12-13-00007-P | exempt | Protecting company water mains | To allow the company to require certain customers to make changes to the electrical grounding system at their homes |
| *PSC-13-13-00008-P | exempt | The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines | To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted |
| *PSC-18-13-00007-P | exempt | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes | Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes |
| *PSC-21-13-00003-P | exempt | To consider policies that may impact consumer acceptance and use of electric vehicles | To consider and further develop policies that may impact consumer acceptance and use of electric vehicles |
| *PSC-21-13-00005-P | exempt | To implement an abandonment of Windover's water system | To approve the implementation of abandonment of Windover's water system |
| *PSC-21-13-00008-P | exempt | Rates of National Fuel Gas Distribution Corporation | To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive |
| *PSC-21-13-00009-P | exempt | Reporting requirements for natural gas local distribution companies | To help ensure efficient and economic expansion of the natural gas system as appropriate |
| *PSC-22-13-00009-P | exempt | On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers | On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers |
| *PSC-23-13-00005-P | exempt | Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations | Equalize regulatory treatment based on level of competition and practical considerations |
| *PSC-25-13-00008-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request |
| *PSC-25-13-00009-P | exempt | Provision by utilities of natural gas main and service lines | To help ensure efficient and economic expansion of the natural gas system as appropriate |
| *PSC-25-13-00012-P | exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-27-13-00014-P | exempt | Columbia Gas Transmission Corporation Cost Refund | For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund |
| *PSC-28-13-00014-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-28-13-00016-P | exempt | The request of NGT for lightened regulation as a gas corporation | To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC |
| *PSC-28-13-00017-P | exempt | The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments | Consider the request by TE for waiver of regulations that gas be odorized in certain lines |
| *PSC-32-13-00009-P | exempt | To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices | To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices |
| *PSC-32-13-00012-P | exempt | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion |
| *PSC-33-13-00027-P | exempt | Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines | Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines |
| *PSC-33-13-00029-P | exempt | Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy | To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy |
| *PSC-34-13-00004-P | exempt | Escrow account and surcharge to fund extraordinary repairs | To approve the establishment of an escrow account and surcharge |
| *PSC-42-13-00013-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-42-13-00015-P | exempt | Failure to Provide Escrow Information | The closure of the Escrow Account |
| *PSC-43-13-00015-P | exempt | Petition for submetering of electricity | To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y. |
| *PSC-45-13-00021-P | exempt | Investigation into effect of bifurcation of gas and electric utility service on Long Island | To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island |
| *PSC-45-13-00022-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00023-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00024-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |
| *PSC-45-13-00025-P | exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4) | To consider a waiver of certain regulations relating to the content of an application for transmission line siting |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-47-13-00009-P | exempt | Petition for submetering of electricity | To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y |
| *PSC-47-13-00012-P | exempt | Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates | Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates |
| *PSC-49-13-00008-P | exempt | Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc. | To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc. |
| *PSC-51-13-00009-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates |
| *PSC-51-13-00010-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates |
| *PSC-51-13-00011-P | exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates |
| *PSC-52-13-00012-P | exempt | The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC) | To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s) |
| *PSC-52-13-00015-P | exempt | To enter into a loan agreement with the banks for up to an amount of \$94,000 | To consider allowing Knolls Water Company to enter into a long-term loan agreement |
| *PSC-05-14-00010-P | exempt | The New York State Reliability Council's revisions to its rules and measurements | To adopt revisions to various rules and measurements of the New York State Reliability Council |
| *PSC-07-14-00008-P | exempt | Petition for submetering of electricity | To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al. |
| *PSC-07-14-00012-P | exempt | Water rates and charges | Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project |
| *PSC-08-14-00015-P | exempt | Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities | To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities |
| *PSC-10-14-00006-P | exempt | Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance | To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance |
| *PSC-11-14-00003-P | exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces |
| *PSC-16-14-00014-P | exempt | Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties | To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| *PSC-16-14-00015-P | exempt | Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336 | Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336 |
| *PSC-17-14-00003-P | exempt | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-17-14-00004-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00007-P | exempt | To consider petitions for rehearing, reconsideration and/or clarification | To consider petitions for rehearing, reconsideration and/or clarification |
| *PSC-17-14-00008-P | exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification | To consider certain portions of petitions for rehearing, reconsideration and/or clarification |
| *PSC-19-14-00014-P | exempt | Market Supply Charge | To make tariff revisions to the Market Supply Charge for capacity related costs |
| *PSC-19-14-00015-P | exempt | Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications | To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter |
| *PSC-22-14-00013-P | exempt | Petition to transfer and merge systems, franchises and assets | To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets |
| *PSC-23-14-00010-P | exempt | Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications | To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter |
| *PSC-23-14-00014-P | exempt | Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric | Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric |
| *PSC-24-14-00005-P | exempt | To examine LDC's performance and performance measures | To improve gas safety performance |
| *PSC-26-14-00013-P | exempt | Waiver of RG&E's tariffed definition of emergency generator | To consider waiver of RG&E's tariffed definition of emergency generator |
| *PSC-26-14-00020-P | exempt | New electric utility backup service tariffs and standards for interconnection may be adopted | To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid |
| *PSC-26-14-00021-P | exempt | Consumer protections, standards and protocols pertaining to access to customer data may be established | To balance the need for the information necessary to support a robust market with customer privacy concerns |
| *PSC-28-14-00014-P | exempt | Petition to transfer systems, franchises and assets | To consider the Comcast and Charter transfer of systems, franchise and assets |
| *PSC-30-14-00023-P | exempt | Whether to permit the use of the Sensus iPERL Fire Flow Meter | Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter |
| *PSC-30-14-00026-P | exempt | Petition for a waiver to master meter electricity | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-31-14-00004-P | exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross |
| *PSC-32-14-00012-P | exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition | To consider the Connect New York Coalition's petition seeking a formal investigation and hearings |
| *PSC-35-14-00004-P | exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY |
| *PSC-35-14-00005-P | exempt | Whether to permit the use of the Sensus iConA electric meter | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter |
| *PSC-36-14-00009-P | exempt | Modification to the Commission's Electric Safety Standards | To consider revisions to the Commission's Electric Safety Standards |
| *PSC-38-14-00003-P | exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program |
| *PSC-38-14-00004-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn |
| *PSC-38-14-00005-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2 | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2 |
| *PSC-38-14-00007-P | exempt | Whether to expand Con Edison's low income program to include Medicaid recipients | Whether to expand Con Edison's low income program to include Medicaid recipients |
| *PSC-38-14-00008-P | exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn |
| *PSC-38-14-00010-P | exempt | Inter-carrier telephone service quality standard and metrics and administrative changes | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines |
| *PSC-38-14-00012-P | exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2 | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2 |
| *PSC-39-14-00020-P | exempt | Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters | Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters |
| *PSC-40-14-00008-P | exempt | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers |
| *PSC-40-14-00009-P | exempt | Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality | Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 |
| *PSC-40-14-00011-P | exempt | Late Payment Charge | To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-40-14-00013-P | exempt | Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY | To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY |
| *PSC-40-14-00014-P | exempt | Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2) | To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process |
| *PSC-40-14-00015-P | exempt | Late Payment Charge | To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due |
| *PSC-42-14-00003-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-42-14-00004-P | exempt | Winter Bundled Sales Service Option | To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge |
| *PSC-48-14-00014-P | exempt | Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line | To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line |
| *PSC-52-14-00019-P | exempt | Petition for a waiver to master meter electricity | Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY |
| *PSC-01-15-00014-P | exempt | State Universal Service Fund Disbursements | To consider Edwards Telephone Company's request for State Universal Service Fund disbursements |
| *PSC-08-15-00010-P | exempt | Request pertaining to the lawfulness of National Grid USA continuing its summary billing program | To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program |
| *PSC-10-15-00007-P | exempt | Notification concerning tax refunds | To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds |
| *PSC-10-15-00008-P | exempt | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes |
| *PSC-13-15-00024-P | exempt | Whether Leatherstocking should be permitted to recover a shortfall in earnings | To decide whether to approve Leatherstocking's request to recover a shortfall in earnings |
| *PSC-13-15-00026-P | exempt | Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product | To permit the use of the Sensus Smart Point Gas AMR/AMI product |
| *PSC-13-15-00027-P | exempt | Whether to permit the use of the Measurlogic DTS 310 electric submeter | To permit the use of the Measurlogic DTS 310 submeter |
| *PSC-13-15-00028-P | exempt | Whether to permit the use of the SATEC EM920 electric meter | To permit necessary to permit the use of the SATEC EM920 electric meter |
| *PSC-13-15-00029-P | exempt | Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters | To permit the use of the Triacta submeters |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-17-15-00007-P | exempt | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million |
| *PSC-18-15-00005-P | exempt | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism |
| *PSC-19-15-00011-P | exempt | Gas Safety Performance Measures and associated negative revenue adjustments | To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid |
| *PSC-22-15-00015-P | exempt | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a) |
| *PSC-23-15-00005-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-23-15-00006-P | exempt | The modification of New York American Water's current rate plan | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff |
| *PSC-25-15-00008-P | exempt | Notice of Intent to Submeter electricity | To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York |
| *PSC-29-15-00025-P | exempt | Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY | Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY |
| *PSC-32-15-00006-P | exempt | Development of a Community Solar Demonstration Project | To approve the development of a Community Solar Demonstration Project |
| *PSC-33-15-00009-P | exempt | Remote net metering of a demonstration community net metering program | To consider approval of remote net metering of a demonstration community net metering program |
| *PSC-33-15-00012-P | exempt | Remote net metering of a Community Solar Demonstration Project | To consider approval of remote net metering of a Community Solar Demonstration Project |
| *PSC-34-15-00021-P | exempt | Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs | To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs |
| *PSC-35-15-00014-P | exempt | Consideration of consequences against Light Power & Gas, LLC for violations of the UBP | To consider consequences against Light Power & Gas, LLC for violations of the UBP |
| *PSC-37-15-00007-P | exempt | Submetered electricity | To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007 |
| *PSC-40-15-00014-P | exempt | Whether to permit the use of the Open Way 3.5 with cellular communications | To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93 |
| *PSC-42-15-00006-P | exempt | Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC | Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements |
| *PSC-44-15-00028-P | exempt | Deferral of incremental expenses associated with new compliance requirements | Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements |

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-47-15-00013-P | exempt | Whitepaper on Implementing Lightened Ratemaking Regulation | Consider Whitepaper on Implementing Lightened Ratemaking Regulation |
| *PSC-48-15-00011-P | exempt | Proposal to retire Huntley Units 67 and 68 on March 1, 2016 | Consider the proposed retirement of Huntley Units 67 and 68 |
| *PSC-50-15-00006-P | exempt | The reduction of rates | To consider the reduction of rates charged by Independent Water Works, Inc. |
| *PSC-50-15-00009-P | exempt | Notice of Intent to submeter electricity | To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York |
| *PSC-51-15-00010-P | exempt | Modification of the EDP | To consider modifying the EDP |
| *PSC-01-16-00005-P | exempt | Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices | To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices |
| *PSC-04-16-00007-P | exempt | Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility | Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility |
| *PSC-04-16-00012-P | exempt | Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station | Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station |
| *PSC-04-16-00013-P | exempt | Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic | Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic |
| *PSC-06-16-00013-P | exempt | Continued deferral of approximately \$16,000,000 in site investigation and remediation costs | To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs |
| *PSC-06-16-00014-P | exempt | MEGA's proposed demonstration CCA program | To consider MEGA's proposed demonstration CCA program |
| *PSC-14-16-00008-P | exempt | Resetting retail markets for ESCO mass market customers | To ensure consumer protections with respect to residential and small non-residential ESCO customers |
| *PSC-18-16-00013-P | exempt | Amendments to the Uniform Business Practices of ESCOs | To ensure consumer protection for ESCO customers |
| *PSC-18-16-00014-P | exempt | Amendments to the Uniform Business Practices of ESCOs | To ensure consumer protection for ESCO customers |
| *PSC-18-16-00015-P | exempt | Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process | To ensure consumer protections for ESCO customers |
| *PSC-18-16-00016-P | exempt | Amendments to the Uniform Business Practices of ESCOs | To ensure consumer protection for ESCO customers |
| *PSC-18-16-00018-P | exempt | Amendments to the Uniform Business Practices of ESCOs | To ensure consumer protection for ESCO customers |
| *PSC-20-16-00008-P | exempt | Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP) | To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP) |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-20-16-00010-P | exempt | Deferral and recovery of incremental expense | To consider deferring costs of conducting leak survey and repairs for subsequent recovery |
| *PSC-20-16-00011-P | exempt | Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study | To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device |
| *PSC-25-16-00009-P | exempt | To delay Companies' third-party assessments of customer personally identifiable information until 2018 | To extend the time period between the Companies' third-party assessments of customer personally identifiable information |
| *PSC-25-16-00025-P | exempt | Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel | To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel |
| *PSC-25-16-00026-P | exempt | Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications | To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications |
| *PSC-28-16-00017-P | exempt | A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework | To determine appropriate rules for and calculation of the distributed generation reliability credit |
| *PSC-29-16-00024-P | exempt | Participation of NYPA customers in surcharge-funded clean energy programs | To consider participation of NYPA customers in surcharge-funded clean energy programs |
| *PSC-32-16-00012-P | exempt | Benefit-Cost Analysis Handbooks | To evaluate proposed methodologies of benefit-cost evaluation |
| *PSC-33-16-00001-EP | exempt | Use of escrow funds for repairs | To authorize the use of escrow account funds for repairs |
| *PSC-33-16-00005-P | exempt | Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility | Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges |
| *PSC-35-16-00015-P | exempt | NYSRC's revisions to its rules and measurements | To consider revisions to various rules and measurements of the NYSRC |
| *PSC-36-16-00004-P | exempt | Recovery of costs for installation of electric service | To consider the recovery of costs for installation of electric service |
| *PSC-40-16-00025-P | exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP) | To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements |
| *PSC-47-16-00009-P | exempt | Petition to use commercial electric meters | To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications |
| *PSC-47-16-00010-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00013-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00014-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |
| *PSC-47-16-00016-P | exempt | Standby Service rate design | To consider the report filed and the recommendations therein |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-02-17-00010-P | exempt | Implementation of the four EAMs | To consider the implementation of EAMs for RG&E |
| *PSC-02-17-00012-P | exempt | Implementation of the four EAMs | To consider the implementation of EAMs for NYSEG |
| *PSC-18-17-00024-P | exempt | A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades | To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist |
| *PSC-18-17-00026-P | exempt | Revisions to the Dynamic Load Management surcharge | To consider revisions to the Dynamic Load Management surcharge |
| *PSC-20-17-00008-P | exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles | To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel |
| *PSC-20-17-00010-P | exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles | To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel |
| *PSC-21-17-00013-P | exempt | The establishment and implementation of Earnings Adjustment Mechanisms | To consider the establishment and implementation of Earnings Adjustment Mechanisms |
| *PSC-21-17-00018-P | exempt | Proposed agreement for the provision of water service by Saratoga Water Services, Inc. | To consider a waiver and approval of terms of a service agreement |
| *PSC-22-17-00004-P | exempt | Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives | To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms |
| *PSC-24-17-00006-P | exempt | Development of the Utility Energy Registry | Improved data access |
| *PSC-26-17-00005-P | exempt | Notice of Intent to submeter electricity | To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York |
| *PSC-34-17-00011-P | exempt | Waiver to permit Energy Cooperative of America to serve low-income customers | To consider the petition for a waiver |
| *PSC-37-17-00005-P | exempt | Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives | To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms |
| *PSC-39-17-00011-P | exempt | Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanahan | To determine financial responsibility between NYSEG and Hanahan for the electric service upgrades to Hanahan |
| *PSC-42-17-00010-P | exempt | Petition for rehearing of negative revenue adjustment and contents of annual Performance Report | To consider NFGD's petition for rehearing |
| *PSC-48-17-00015-P | exempt | Low Income customer options for affordable water bills | To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs |
| *PSC-50-17-00017-P | exempt | New Wave Energy Corp.'s petition for rehearing | To consider the petition for rehearing filed by New Wave Energy Corp. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-50-17-00018-P | exempt | Application of the Public Service Law to DER suppliers | To determine the appropriate regulatory framework for DER suppliers |
| *PSC-50-17-00019-P | exempt | Transfer of utility property | To consider the transfer of utility property |
| *PSC-50-17-00021-P | exempt | Disposition of tax refunds and other related matters | To consider the disposition of tax refunds and other related matters |
| *PSC-51-17-00011-P | exempt | Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project | To consider Con Edison's petition for the recovery of costs for implementing the JFK Project |
| *PSC-04-18-00005-P | exempt | Notice of intent to submeter electricity | To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity |
| *PSC-05-18-00004-P | exempt | Lexington Power's ZEC compliance obligation | To promote and maintain renewable and zero-emission electric energy resources |
| *PSC-06-18-00012-P | exempt | To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan | To modify grandfathering criteria |
| *PSC-06-18-00017-P | exempt | Merger of NYAW and Whitlock Farms Water Corp. | To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity |
| *PSC-07-18-00015-P | exempt | The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades | To consider AEC's petition requesting resolution of their billing dispute with National Grid |
| *PSC-11-18-00004-P | exempt | New York State Lifeline Program | To consider TracFone's petition seeking approval to participate in Lifeline |
| *PSC-13-18-00015-P | exempt | Eligibility of an ESCO to market to and enroll residential customers | To consider whether Astral should be allowed to market to and enroll residential customers following a suspension |
| *PSC-13-18-00023-P | exempt | Reconciliation of property taxes | To consider NYAW's request to reconcile property taxes |
| *PSC-14-18-00006-P | exempt | Petition for abandonment | To consider the abandonment of Willsboro Bay Water Company's water system |
| *PSC-17-18-00010-P | exempt | Petition for use of gas metering equipment | To ensure that consumer bills are based on accurate measurements of gas usage |
| *PSC-18-18-00009-P | exempt | Transfer of control of Keene Valley Video Inc. | To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest |
| *PSC-23-18-00006-P | exempt | Whether to impose consequences on Aspirtly for its non-compliance with Commission requirements | To ensure the provision of safe and adequate energy service at just and reasonable rates |
| *PSC-24-18-00013-P | exempt | Implementation of program rules for Renewable Energy Standard and ZEC requirements | To promote and maintain renewable and zero-emission electric energy resources |
| *PSC-28-18-00011-P | exempt | Storm Hardening Collaborative Report | To ensure safe and adequate gas service |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-29-18-00008-P | exempt | Participation in Targeted Accessibility Fund | To encourage enhanced services for low-income consumers |
| *PSC-29-18-00009-P | exempt | Overvaluing real property tax expense recovery in water rates | To prevent unjust and unreasonable water rates |
| *PSC-34-18-00015-P | exempt | Petition to submeter electricity | To ensure adequate submetering equipment and energy efficiency protections are in place |
| *PSC-34-18-00016-P | exempt | Deferral of pre-staging and mobilization storm costs | To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs |
| *PSC-35-18-00003-P | exempt | Con Edison's 2018 DSIP and BCA Handbook Update | To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider |
| *PSC-35-18-00005-P | exempt | NYSEG and RG&E's 2018 DSIP and BCA Handbook Update | To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers |
| *PSC-35-18-00006-P | exempt | National Grid's 2018 DSIP and BCA Handbook Update | To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider |
| *PSC-35-18-00008-P | exempt | Central Hudson's 2018 DSIP and BCA Handbook Update | To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider |
| *PSC-35-18-00010-P | exempt | O&R's 2018 DSIP and BCA Handbook Update | To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider |
| *PSC-39-18-00005-P | exempt | Participation in New York State Lifeline Program | To encourage enhanced services for low-income customers |
| *PSC-40-18-00014-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018 |
| *PSC-42-18-00011-P | exempt | Voluntary residential beneficial electrification rate design | To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers |
| *PSC-42-18-00013-P | exempt | Petition for clarification and rehearing of the Smart Solutions Program Order | To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity |
| *PSC-44-18-00016-P | exempt | Petition for approval of gas metering equipment | To ensure that customer bills are based on accurate measurements of gas usage |
| *PSC-45-18-00005-P | exempt | Notice of intent to submeter electricity and waiver of energy audit | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place |
| *PSC-01-19-00013-P | exempt | Order of the Commission related to caller ID unblocking | To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County |
| *PSC-03-19-00002-P | exempt | DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings | To reduce damage to underground utility facilities by requiring certain training and approving training curricula |

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

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

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| PUBLIC SERVICE COMMISSION | | | |
| *PSC-48-20-00005-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers |
| *PSC-48-20-00007-P | exempt | Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences |
| *PSC-51-20-00009-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers |
| *PSC-51-20-00014-P | exempt | Electric system needs and compensation for distributed energy resources | To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources |
| *PSC-01-21-00004-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers |
| *PSC-04-21-00016-P | exempt | Request for a waiver | To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement |
| *PSC-09-21-00005-P | exempt | Utility capital expenditure proposal | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences |
| *PSC-13-21-00016-P | exempt | Revised distribution strategies and reallocation of remaining funding | To ensure the appropriate use of funding reserved for gas safety programs |
| *PSC-17-21-00005-P | exempt | Submetering equipment | To consider use of submetering equipment and if it is in the public interest |
| *PSC-17-21-00006-P | exempt | Community Choice Aggregation and Community Distributed Generation | To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation |
| *PSC-17-21-00007-P | exempt | Utility studies of climate change vulnerabilities | To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities |
| *PSC-18-21-00006-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 |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| *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-37-21-00010-P | exempt | Zero emitting electric generating facilities that are not renewable energy systems | To consider modifications to the Clean Energy Standard |
| *PSC-37-21-00011-P | exempt | Green Button Connect implementation | To consider the proposed Green Button Connect User Agreement and Green Button Connect Onboarding Process document |
| *PSC-37-21-00012-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether Catalyst should be permitted to offer its Community Distributed Generation product to mass market customers |
| *PSC-38-21-00006-P | exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries | To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-38-21-00007-P | exempt | Electric metering equipment | To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage |
| *PSC-39-21-00007-P | exempt | The proposed alternative method of account identification | To facilitate secure customer data exchanges between the utility or provider and energy service entities |
| *PSC-46-21-00014-P | exempt | Waiver of tariff rules and a related Commission regulation | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest |

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| PUBLIC SERVICE COMMISSION | | | |
| *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-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-14-22-00008-P | exempt | An opt-out community distributed generation program | To establish the program rules for offering community distributed generation on and opt-out basis in New York State |
| PSC-18-22-00002-P | exempt | NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance | To determine if NYSEG and RG&E's petition for waiver is in the public interest |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-18-22-00007-P | exempt | Extension of deadline | Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units |
| PSC-19-22-00021-P | exempt | Brooklyn Clean Energy Hub and cost recovery | To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation |
| PSC-19-22-00022-P | exempt | Modification of Con Edison's electric tariff | To either eliminate or waive a provision of the Standby Service Offset Tariff |
| PSC-20-22-00009-P | exempt | Modify lease of utility property | To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line |
| PSC-20-22-00011-P | exempt | Establishment of the regulatory regime applicable to a wind electric generating facility | To ensure appropriate regulation of a new electric corporation |
| PSC-21-22-00005-P | exempt | To implement the non-pipe alternative factor to recover the costs of approved alternative infrastructure projects | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences |
| PSC-21-22-00007-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers |
| PSC-21-22-00008-P | exempt | Cybersecurity requirements | Modify the framework to ensure the protection of utility systems and customer data from cyber events |
| PSC-21-22-00011-P | exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers |
| PSC-22-22-00014-P | exempt | Amendments to the Standardized Interconnection Requirements | To consider changes to accommodate the interconnection of distributed energy resources by governmental entities |
| PSC-24-22-00004-P | exempt | Waiver of tariff rules and a related Commission regulation | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest |
| PSC-24-22-00007-P | exempt | St. Lawrence Gas' petition for a waiver of its 2021 service quality performance | To determine if St. Lawrence Gas' petition for waiver is in the public interest |
| 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-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-29-22-00006-P | exempt | Minor rate filing. | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-30-22-00009-P | exempt | Establishment of the regulatory regime applicable to a battery storage project. | To ensure appropriate regulation of an electric corporation. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-31-22-00005-P | exempt | Proposed major rate increase in NYSEG's electric delivery revenues of approximately \$274 million (or 16.8% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-31-22-00006-P | exempt | Proposed major rate increase in NYSEG's gas delivery revenues of approximately \$43.4 million (or 9.8% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-31-22-00007-P | exempt | Proposed major rate increase in RG&E's gas delivery revenues of approximately \$37.7 million (or 9.7% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-31-22-00009-P | exempt | Proposed major rate increase in RG&E's electric delivery revenues of approximately \$93.8 million (or 11.3% in total revenues). | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences. |
| PSC-32-22-00022-P | exempt | Establishment of the regulatory regime applicable to a wind electric generating facility. | To ensure appropriate regulation of a new electric corporation. |
| PSC-32-22-00023-P | exempt | Bioenergy generation in New York. | To consider compensation for bioenergy generation. |
| PSC-33-22-00006-P | exempt | Use of gas metering equipment. | To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage. |
| PSC-33-22-00008-P | exempt | Gas moratorium consumer protections. | To consider protections for existing and prospective customers should a utility institutes a moratorium on new gas service. |
| 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-36-22-00005-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-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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-38-22-00007-P | exempt | Standby Service Rates, Buyback Service Rates, and optional mass market demand rates. | To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates. |
| PSC-38-22-00008-P | exempt | Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process. | To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN. |
| PSC-38-22-00009-P | exempt | Standby Service Rates, Buyback Service Rates, and optional mass market demand rates. | To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates. |
| PSC-38-22-00010-P | exempt | Standby Service Rates, Buyback Service Rates, and optional mass market demand rates. | To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates. |
| PSC-39-22-00007-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-40-22-00004-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-42-22-00010-P | exempt | Gas system planning. | To consider screening and suitability criteria for non-pipeline alternatives. |
| PSC-42-22-00011-P | exempt | Gas system planning. | To consider cost recovery procedures and an incentive mechanism for non-pipeline alternatives. |
| PSC-42-22-00012-P | exempt | Gas system planning. | To consider screening and suitability criteria for non-pipeline alternatives. |
| PSC-42-22-00013-P | exempt | Gas system planning. | To consider screening and suitability criteria for non-pipeline alternatives. |
| PSC-42-22-00014-P | exempt | Gas system planning. | To consider screening and suitability criteria for non-pipeline alternatives. |
| PSC-42-22-00015-P | exempt | Gas system planning. | To consider screening and suitability criteria for non-pipeline alternatives. |
| PSC-42-22-00016-P | exempt | Gas system planning. | To consider screening and suitability criteria for non-pipeline alternatives. |
| PSC-42-22-00017-P | exempt | Gas system planning. | To consider screening and suitability criteria for non-pipeline alternatives. |
| PSC-42-22-00019-P | exempt | Gas system planning. | To consider screening and suitability criteria for non-pipeline alternatives. |
| 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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|--|
| PUBLIC SERVICE COMMISSION | | | |
| 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-43-22-00009-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-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-46-22-00010-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| 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-49-22-00017-P | exempt | Stock ownership interest and associated financial transactions. | To consider the transfer of controlling interest and associated financial transactions. |
| PSC-49-22-00019-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-49-22-00021-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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
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| PUBLIC SERVICE COMMISSION | | | |
| PSC-49-22-00023-P | exempt | Waiver of tariff rules and a related Commission regulation. | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest. |
| PSC-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-51-22-00003-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-52-22-00011-P | exempt | The Integrated Energy Data Resource platform. | To consider customer consent and utility liability issues related to the Integrated Energy Data Resource. |
| PSC-52-22-00013-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-01-23-00013-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. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|---|---|
| PUBLIC SERVICE COMMISSION | | | |
| 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. |
| PSC-04-23-00008-P | exempt | Updates to guidance for electric utility Distributed System Implementation Plans (DSIPs). | Development of updated guidance and directives for utility DSIPs for improving utility planning and operations functions. |
| PSC-04-23-00009-P | exempt | Gas metering equipment. | To consider use of volume corrector and ensure that consumer bills will be based on accurate measurements of gas usage. |
| PSC-04-23-00010-P | exempt | The New York State Standardized Interconnection Requirements. | To clarify and improve the process for distributed generation and energy storage projects interconnecting to utility systems. |
| PSC-04-23-00011-P | exempt | Proposal by electric utilities for a coordinated grid planning process. | To identify local transmission investments necessary to achieve the the State's clean energy and climate goals. |
| PSC-04-23-00012-P | exempt | Transfer of electric facilities. | To determine whether to authorize the transfer electric facilities and the proper accounting for the transaction. |
| PSC-04-23-00013-P | exempt | Application of the Public Service Law to owners of a proposed project connecting Sunrise Wind Farm to New York's electric grid. | To determine whether to apply a lightened regulatory regime to the owners of the proposed multi-part project. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-04-23-00014-P | exempt | Waiver of certain Commission requirements related to the publishing and distribution of telephone directories. | To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest. |
| PSC-05-23-00001-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00002-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00003-P | exempt | The electric utilities' 2023 Electric Emergency Response Plans. | To consider the adequacy of the proposed 2023 Electric Emergency Response Plans. |
| PSC-05-23-00004-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00005-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00006-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00007-P | exempt | The electric utilities' 2023 Electric Emergency Response Plans. | To consider the adequacy of the proposed 2023 Electric Emergency Response Plans. |
| PSC-05-23-00008-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00009-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00010-P | exempt | The electric utilities' 2023 Electric Emergency Response Plans. | To consider the adequacy of the proposed 2023 Electric Emergency Response Plans. |
| PSC-05-23-00011-P | exempt | The electric utilities' 2023 Electric Emergency Response Plans. | To consider the adequacy of the proposed 2023 Electric Emergency Response Plans. |
| PSC-05-23-00012-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00013-P | exempt | The electric utilities' 2023 Electric Emergency Response Plans. | To consider the adequacy of the proposed 2023 Electric Emergency Response Plans. |
| PSC-05-23-00014-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00015-P | exempt | Thermal Energy Network Pilot Proposal | To consider authorizing utilities to construct and operate thermal energy network pilot projects. |
| PSC-05-23-00016-P | exempt | The electric utilities' 2023 Electric Emergency Response Plans. | To consider the adequacy of the proposed 2023 Electric Emergency Response Plans. |
| PSC-06-23-00011-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-07-23-00004-P | exempt | Transfer of street lighting facilities. | To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|--|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-07-23-00005-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-08-23-00002-P | exempt | Transfer of direct ownership of cable television facilities and three municipal franchises | To ensure performance in accordance with applicable cable laws, regulations and standards in the public interest. |
| PSC-08-23-00003-P | exempt | Exemptions from utility standby rates for distributed energy resources and renewable energy systems. | To determine whether utility standby rate exemptions should be continued and/or modified. |
| PSC-09-23-00021-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-09-23-00022-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-09-23-00023-P | exempt | Electric metering equipment. | To consider use of electric metering equipment and ensure consumer bills are based on accurate measurements of electric usage. |
| PSC-09-23-00024-P | exempt | Development periods for residential developments. | To consider waiving the five-year limit on development periods impacted by COVID-19, extending it by one year. |
| PSC-09-23-00025-P | exempt | Energy efficiency and building electrification programs. | To identify and implement potential changes to the energy efficiency and building electrification programs. |
| PSC-09-23-00026-P | exempt | Electric metering equipment. | To consider use of electric meter and ensure that consumer bills will be based on accurate measurements of electric usage. |
| PSC-09-23-00027-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-11-23-00001-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-11-23-00002-P | exempt | Modifications to the Electric Vehicle Make-Ready Program. | To deploy the infrastructure needed to meet the State's goals of 850,000 EVs by 2025 and recommend appropriate utility roles. |
| PSC-12-23-00004-P | exempt | Registration of energy brokers and energy consultants. | To implement the provisions of Public Service Law Section 66-t. |
| PSC-13-23-00019-P | exempt | The frequency of incentive payments for the active managed charging program. | To consider adequate incentive frequency. |
| PSC-13-23-00020-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-13-23-00021-P | exempt | Petition to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-13-23-00022-P | exempt | The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility. | Consideration of a lightened regulatory regime for the owner of an approximately 150 MW energy storage facility. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|----------------------------------|--------------|--|---|
| PUBLIC SERVICE COMMISSION | | | |
| PSC-13-23-00023-P | exempt | Agreement for the provision of water service and request for waivers. | To consider whether the terms of a service agreement and requested waivers are in the public interest. |
| PSC-14-23-00002-EP | exempt | Authorization for Fillmore Gas Company, Inc. to collect interest payments on a bank line of credit from its customers. | To ensure Fillmore Gas Company, Inc. can continue to provide uninterrupted gas service to its customers. |
| PSC-14-23-00003-EP | exempt | Appointment of a temporary operator. | To ensure safe water supply through appointment of a temporary operator. |
| PSC-14-23-00005-P | exempt | Petition to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-14-23-00006-P | exempt | Notice of intent to submeter electricity. | To ensure adequate submetering equipment and consumer protections are in place. |
| PSC-14-23-00007-P | exempt | Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), 86.3(b)(2). | To consider a waiver of certain regulations relating to the content of an application for transmission line siting. |
| PSC-14-23-00008-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. |

STATE, DEPARTMENT OF

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| 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 |
| DOS-05-23-00018-P | 04/04/24 | Certification and training of code enforcement personnel | To amend the existing certification and training regulations to comply with recent amendments to Executive Law section 376-a |
| DOS-13-23-00003-P | 05/30/24 | Uniform Code Variance and Appeals Procedures | To amend the procedures whereby any provision or requirement of the Uniform Code may be varied or modified. |

STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY

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| 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 |
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TAXATION AND FINANCE, DEPARTMENT OF

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| *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-09-23-00017-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 April 1, 2023 through June 30, 2023. |

| Agency I.D. No. | Expires | Subject Matter | Purpose of Action |
|---|----------|---|---|
| TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF | | | |
| TDA-05-23-00017-P | 02/01/24 | Public Assistance (PA) earned income and work expense disregards and income tests for PA eligibility | To update State regulations pertaining to the above-referenced 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. |
| TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY | | | |
| TBA-09-23-00018-P | exempt | A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA. | A proposal to fund ongoing operations. |
| 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-RP | 05/31/23 | Intraoperative Neurophysiological Monitoring | To define IOM and clarify that remote IOM is prohibited except in very limited circumstances |
| WCB-41-22-00002-P | 10/12/23 | Disability benefits | To update and clarify DB claims process, and conform to statute |
| WCB-09-23-00019-P | 02/29/24 | Telehealth | Provides the option for telehealth visits in some circumstances. |
| WCB-13-23-00001-P | 03/28/24 | MTGs | To conform regulation text to actual effective date of MTGs |

ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

SEALED BIDS

RENOVATE
41st FLOOR
Corning Tower
Albany, Albany County

Sealed bids for Project Nos. 45957-C, 45957-H, 45957-P and 45957-E, comprising separate contracts for Construction Work, HVAC Work, Plumbing Work, and Electrical Work, Renovate 41st Floor, Corning Tower, Empire State Plaza, Albany (Albany County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, April 26, 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 \$55,400 for C, \$86,500 for H, \$22,900 for P, and \$65,400 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 \$1,000,000 and \$2,000,000 for C, between \$2,000,000 and \$3,000,000 for H, between \$250,000 and \$500,000 for P, and between \$2,000,000 and \$3,000,000 for E.

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

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

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

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

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

The substantial completion date for this project is 386 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 April 14, 2023. Meet at Security Desk, Corning Tower, Empire State Plaza, Albany, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Eric Luft (518-573-1364) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises ("MBE") participation and 15% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work, Plumbing Work and Electrical Work and an overall goal of 20% for MWBE participation, 10% for Minority-Owned Business Enterprises ("MBE") participation and 10% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for HVAC Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

REPLACE

SALLY PORT DOORS
 Manhattan Psychiatric Center
 New York, New York County

Sealed bids for Project No. 47043-C, for Construction Work, Replace Sally Port Doors 9B, 10B & 11B, Building 102, Manhattan Psychiatric Center, 600 E 125th Street, New York (New York 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, April 19, 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 \$21,100) for C.

Further, Project Labor Agreement (PLA) Projects require a completed form BDC 59P (Project Labor Agreement List of Subcontractors) be filled out and submitted (included in a separate, sealed envelope) in accordance with Document 002221, Supplemental Instructions to Bidders – PLA. Failure to submit this form correctly will result in a disqualification of the bid.

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract, estimated to be between \$250,000 and \$500,000 for 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 make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement

must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <https://ogs.ny.gov/ACPL/>

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

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

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

The substantial completion date for this project is 309 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 April 6, 2023 at the OGS/TDX Field Office, Manhattan Psychiatric Center, 102 Rivers Edge Road, Wards Island, 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 Cheryl Chasin (845-365-0730) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

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

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

The Bidding and Contract Documents for this Project are available for viewing and downloading from OGS Design & Construction’s

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

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

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

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

By OGS - Design & Construction Group

**REPAIR/REPLACE
CHILLER
Finger Lakes Residential Center
Lansing, Tompkins County**

Sealed bids for Project Nos. 47205-H and 47205-E, comprising separate contracts for HVAC Work and Electrical Work, Repair/Replace Chiller, Finger Lakes Residential Center, 250 Auburn Road, Lansing (Tompkins County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Children and Family Services, until 2:00 p.m. on Wednesday, April 19, 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 \$64,000 for H and \$15,200 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for H, and between \$100,000 and \$250,000 for E.

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

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

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

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

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

The substantial completion date for this project is 531 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 April 6, 2023 at 250 Auburn Road, Lansing 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 Lance Finnerty (607-481-8793) 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 and an overall goal of 6% for MWBE participation, 3% for Minority-Owned Business Enterprises ("MBE") participation and 3% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

For questions about downloading of bid documents, please send an

e-mail to support@bidexpress.com, or call the Bid Express toll-free number at (888) 352-2439.

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

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

By OGS - Design & Construction Group

**REPLACE
PENTHOUSE ROOF
State Office Building Campus
Albany, Albany County**

Sealed bids for Project No. 47332-C, comprising separate contracts for Construction Work, Replace Penthouse Roof, Building 22, State Office Building Campus, 1220 Washington Avenue, Albany (Albany County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of General Services, until 2:00 p.m. on Wednesday, April 19, 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 \$23,800 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.

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

The substantial completion date for this project is 170 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on April 7, 2023 at the State Office Building Campus, Building 22 (Lobby), 1220 Washington Avenue, Albany NY 12226. 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 Jenn Hartkern (jennifer.hartkern@ogs.ny.gov or 518-485-8749) 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: 3% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

PROVIDE
SALT STORAGE BUILDING
 Department of Transportation Region 1
 Cairo, Greene County

Sealed bids for Project Nos. 47335-C and 47335-E, comprising separate contracts for Construction Work –and Electrical Work, Provide Salt Storage Building, DOT Region 1, Greene County, Route 23 and Bross Street, Cairo (Greene 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 Transportation, until 2:00 p.m. on Wednesday, April 19, 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 \$41,500 for C, and \$13,200 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, and between \$100,000 and \$250,000 for E.

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

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

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

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

The substantial completion date for this project is 171 days after the Agreement is approved by the Comptroller.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

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

site to take field measurements and examine existing conditions of the project area will be at 11:00 a.m. on April 7, 2023 at the NYS DOT – Salt Shed, RT 23 and Bross Street, Cairo, NY. Prospective bidders are urged, but not mandated, to visit the site at this time. Prospective bidders or their representatives attending the pre-bid site visit will not be admitted on facility grounds without proper photo identification. Note that parking restrictions and security provisions will apply, and all vehicles will be subject to search. Refer to Document 002218 for any additional requirements for attendance at the pre-bid site visit.

Phone the office of Daniel MacCormack (518-822-1931) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises (“MBE”) participation and 5% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and 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 Electrical Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of MWBEs on the Contract for the provision of services and materials.

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

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

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

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

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

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

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Division of Homeland Security and Emergency
Services
1220 Washington Ave.
State Office Building Campus, Bldg. 7A
Albany, NY 12226

NON-PROFIT ORGANIZATIONS

Federal Fiscal Year 2023 Nonprofit Security Grant Program - Urban Area (NSGP-UA); Nonprofit Security Grant Program - State (NSGP-S)

Description:

Request for Applications (RFA) in federal NSGP-UA funding and federal NSGP-S funding is being made available by the NYS Division of Homeland Security and Emergency Services (DHSES) from the U.S. Department of Homeland Security Federal Emergency Management Agency. There is a total of \$152.5 million nationally for the NSGP-UA program and \$152.5 million nationally, with NYS having a target allocation of \$4.2 million, for the NSGP-S program. Funds will be awarded competitively based on the submission of applications by eligible nonprofit organizations. If your nonprofit site is physically located within a FY2023 UASI-designated urban area, then you may apply to NSGP-UA; in NYS, organizations who are located in the NYC Urban Area which includes: the five boroughs in New York City, Nassau County, Suffolk County and Westchester County are eligible to apply under NSGP-UA. If your nonprofit site is not physically located within the NYC urban area, then you may apply to NSGP-S.

Each nonprofit organization may apply for up to \$150,000 per site. Nonprofits with multiple sites may apply for additional sites at up to \$150,000 per site for a maximum of three (3) sites located within the NSGP-UA area and three (3) sites located within the NSGP-S area, for a maximum of six (6) sites total, not to exceed a grand total of \$450,000 per organization. A nonprofit organization with locations in multiple states may apply for up to these application limits within each state.

Funding will be awarded to support target hardening activities to nonprofit organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code) that are at high risk of terrorist or other extremist attack. NSGP provides funding for physical security enhancements and other security-related activities to nonprofit organizations that are at high risk of a terrorist or other extremist attack. The NSGP also seeks to integrate the preparedness activities of nonprofit organizations with broader state and local preparedness efforts.

Due to the competitive nature of this program, organizations who have not previously received funding will receive fifteen (15) bonus points added to their total application score. Additionally, organizations that are located in historically underserved or disadvantaged communities will receive up to fifteen (15) bonus points added to their total application score. FEMA will apply the CDC's Social Vulnerability Index tool to each applicant and will add ten (10) bonus points to applications from organizations in communities with a "High" SVI ranking and fifteen (15) bonus points to applications from organizations in communities with a "Very High" SVI ranking.

Applications must be submitted by 5:00 p.m. on April 20, 2023, through New York State's Division of Homeland Security and Emergency Services (NYS-DHSES) electronic grants management system (E-Grants).

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311
or visit our web site at:
www.osc.state.ny.us

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

PUBLIC NOTICE Office of General Services

Pursuant to Section 30-a of the Public Lands Law, the Office of General Services hereby gives notice to the following:

Notice is hereby given that New York State Office of Parks, Recreation and Historic Preservation has determined that:

Sale of NYS Property to Adjacent Owner
Frederick and Carol Vanderzee
214 E. Main St., Trumansburg, NY 14886
Tompkins County

Two vacant, contiguous parcels containing a combined 1.64 acres of land are surplus and no longer useful or necessary for state program purposes and has abandoned the property to the Commissioner of General Services for sale or other disposition as Unappropriated State Land.

For further information, please contact: Frank Pallante, Esq., Office of General Services, Legal Services, 36th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, (518) 474-8831, (518) 473-4973 fax

PUBLIC NOTICE Department of State F-2022-1011

Date of Issuance – April 5, 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-2022-1011, William and Susan Sullivan, Five Mile River, Darien, CT are proposing to dredge a volume, including a 1 ft

overdredge depth, of approximately 530 cubic yards with subsequent un-confined open-water disposal of the dredged material at either the Western or Central Long Island Sound Disposal Sites (WLDS or CLDS).

The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83). The WLDS is located within Long Island Sound, south of Long Neck Point, Noroton, CT and north of the Village of Lloyd Harbor, Suffolk County, New York. The site boundary is a 2 square nautical miles area centered at 40° 59.50' N, 73° 28.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <https://dos.ny.gov/system/files/documents/2023/04/f-2022-1011.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by Thursday, April 20, 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-2023-0122

Date of Issuance – April 5, 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-2023-0122, Westchester County is proposing to remove an existing dam on Furnace Brook. The dam would be removed via a phased notching approach. The proposal also includes dredging 5,950cy of sediment from behind the dam with placement of the material on county owned property in Oscawana Park. Additionally, 100 linear feet of shoreline would be stabilized with ~722cy of 12-24" stone. An eelway or fishway constructed of up to 796cy of rock would also be installed below an existing three-barreled culver that passes Furnace Brook under State Route 9. The proposal would permanently impact 0.044 acres of federally regulated wetlands and temporarily impact 0.115 acres of federally regulated wetlands. Areas or temporary impacts would be restored. The dam is located in on Furnace Brook near Maiden Lane in the Town of Cortlandt, Westchester County.

The stated purpose of the proposal is to remove a failing dam and to restore aquatic organism passage to upstream reaches of Furnace Brook.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0122.pdf> and the associated plans are available at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0122-2.pdf> and <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0122-3.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 May 5, 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-2023-0135

Date of Issuance – April 5, 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-2023-0135, Novelis Corporation is proposing to replace an existing submerged crib-style cooling water in-take structure in Lake Ontario with a new submerged passive screen array-style cooling water intake structure. The new structure would be comprised of 24" pipe installed by Horizontal Directional Drill (HDD) and anew intake screen array held in place with a precast concrete anchor block (18'x18'x3') and located ~1,150' from the shoreline. Additionally, two warning buoys would be installed. The existing submerged crib structure and associated in-take tunnel would be abandoned in-place. The proposed pipe would extend from the applicant's property located at 448 County Route 1A on the shoreline of Lake Ontario in the Town of Scriba, Oswego County.

The stated purpose of the proposed action is to replace the existing failing cooling water intake structure with a new structure that would improve operation stability.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0135.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 May 5, 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-2023-0141

Date of Issuance – April 5, 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-2023-0141, the applicant, Northampton Colony Yacht Club c/o Frank Greenwald, is proposing to dredge the existing yacht basin to 5' below MLW, removing approx. 1000 cubic yards of spoils. Dredged material will be placed on the Northampton Colony Yacht Club's shoreline property on the north side of the beach, landward of SHW, as nourishment. This project is located at 14 and 5 Noyac Bay Avenue, Village of Sag Harbor, Suffolk County, Mill Creek and Noyack Bay.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0141.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):

- Noyack Bay Beaches Significant Coastal Fish and Wildlife Habitat https://dos.ny.gov/system/files/documents/2020/03/noyack_bay_beaches.pdf

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or May 5, 2023.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State

F-2023-0143

Date of Issuance – April 5, 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-2023-0143, Safe Harbor Marina / Bruce and Johnsons Marina – proposed maintenance dredging of approximately 23,000 cubic yards of material from within the existing marina basin to a depth of -8.0' MLW with no allowable overdredge, and proposed unconfined placement of the dredged material at the Central Long Island Sound Disposal Site (CLDS).

The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4

square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0143.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by Thursday, April 20, 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-2023-0152

Date of Issuance – April 5, 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-2023-0152, the applicant, Rochester Yacht Club c/o Peter Mendick, is proposing maintenance dredging of the existing 5.9 acres yacht basin once per year to maintain depths needed for boat access. Each dredge event to remove approx. 5,000CY of material to be disposed of in the Lake Ontario open water disposal site. This project is located at 5555 St. Paul Blvd, Town of Irondequoit/City of Rochester, Monroe County, Genesee River/Lake Ontario.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0152.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):

- Town of Irondequoit Local Waterfront Revitalization Program:

<https://dos.ny.gov/location/town-irondequoit-local-waterfront-revitalization-program>

- City of Rochester Local Waterfront Revitalization Program:

<https://dos.ny.gov/location/city-rochester-local-waterfront-revitalization-program>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or May 5, 2023.

Comments should be addressed to: Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

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

PUBLIC NOTICE

Department of State
F-2023-0156

Date of Issuance – April 5, 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-2023-0156, Joseph J. Clinton Veterans of Foreign Wars (V.F.W.) Post #399 Marina in Westport, Connecticut (CT) is proposing to dredge a volume, including a 1 ft overdredge depth, of approximately 1,900 cubic yards with subsequent un-confined open-water disposal of the dredged material at either the Western or Central Long Island Sound Disposal Sites (WLDS or CLDS).

The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83). The WLDS is located within Long Island Sound, south of Long Neck Point, Noroton, CT and north of the Village of Lloyd Harbor, Suffolk County, New York. The site boundary is a 2 square nautical miles area centered at 40° 59.50' N, 73° 28.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0156.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by Thursday, April 20, 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-2023-0157

Date of Issuance – April 5, 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-2023-0157, Bridgebrook Marina in Westport, Connecticut (CT) is proposing to dredge a volume, including a 1 ft overdredge depth, of approximately 2,509 cubic yards with subsequent un-confined open-water disposal of the dredged material at either the Western or Central Long Island Sound Disposal Sites (WLDS or CLDS).

The CLDS is located within Long Island Sound, south of South End Point, East Haven, Connecticut and north of the Village of Shoreham, Town of Brookhaven, Suffolk County. The site boundary is a 2.4 square nautical mile rectangle centered at 41° 08.95' N and 72° 52.95' W (NAD 83). The WLDS is located within Long Island Sound, south of Long Neck Point, Noroton, CT and north of the Village of Lloyd

Harbor, Suffolk County, New York. The site boundary is a 2 square nautical miles area centered at 40° 59.50' N, 73° 28.95' W (NAD 83).

Original copies of the 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. Electronic copies of the applicant's consistency certification and supporting information are available for review and download at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0157.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by Thursday, April 20, 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-2023-0201 (DA)

Date of Issuance April 5, 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 U.S. Army Corps of Engineers, New York District (Corps) has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York. The materials can also be downloaded at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0201da.pdf>

The Corps' public notice can also be found at: https://www.nan.usace.army.mil/Portals/37/FII%20to%20JI_Gilgo%20Beach%202023%20Public%20Notice%20.pdf

In F-2023-0201, the U.S. Army Corps of Engineers, New York District (the Corps) proposes to perform maintenance dredging of the Federal Navigation Channel and deposition basin in Fire Island Inlet with placement of the dredged material as beach nourishment along the feeder beach (Gilgo) west of the Fire Island Inlet. The proposed maintenance dredging and beach nourishment would remove approximately 1,000,000 CY of sand, which would be used in a beneficial manner as beach erosion control and hurricane protection placed along the feeder beach (Gilgo). The channel and deposition basin will be dredged to a depth of 14 feet below mean lower low water (MLLW) plus 2 feet allowable over depth.

Any interested parties and/or agencies desiring to express their views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, by April 20, 2023.

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

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

PUBLIC NOTICE

Department of State
Notice of Review of Request for
Brownfield Opportunity Area
Conformance Determination
Project: 2413 Third Avenue

Location: Port Morris Harlem River
Brownfield Opportunity Area in City of New York

In accordance with General Municipal Law, Article 18 - C, Section 970-r, the Secretary of State designated the Port Morris Harlem River Brownfield Opportunity Area, in the City of New York, on April 9, 2015. The designation of the Port Morris Harlem River Brownfield Opportunity Area was supported by a Nomination or a comprehensive planning tool that identifies strategies to revitalize the area which is affected by one or more known or suspected brownfield sites.

Pursuant to New York State Tax Law, Article 1, Section 21, the eligible taxpayer(s) of a project site located in a designated Brownfield Opportunity Area may apply for an increase in the allowable tangible property tax credit component of the brownfield redevelopment tax credit if the Secretary of State determines that the project conforms to the goals and priorities established in the Nomination for a designated Brownfield Opportunity Area.

On February 16, 2023, RXR 2413 Third Owner LLC submitted a request for the Secretary of State to determine whether the 2413 Third Avenue project, which will be located within the designated Port Morris Harlem River Brownfield Opportunity Area, conforms to the goals and priorities identified in the Nomination that was prepared for the designated Port Morris Harlem River Brownfield Opportunity Area.

The public is permitted and encouraged to review and provide comments on the request for conformance. For this purpose, the full application for a conformance determination is available online at: <https://dos.ny.gov/2413-third-avenue-boa-conformance-application>

Comments must be submitted no later than May 5, 2023, either by mail to: Kevin Garrett, Department of State, Office of Planning and Development, 123 William St., 20th Fl., New York, NY 10038, or by email to: kevin.garrett@dos.ny.gov

PUBLIC NOTICE

Department of State
Notice of Review for the
Village of Croton-on-Hudson
Draft Local Waterfront

Revitalization Program Amendment

In accordance with the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program, the Village of Croton-on-Hudson, located within Westchester County, has prepared a Draft Local Waterfront Revitalization Program (LWRP) Amendment. The LWRP is a comprehensive management program for the Village's waterfront resources along the Hudson River.

To approve the Village of Croton-on-Hudson LWRP Amendment, pursuant to Article 42 of the NYS Executive Law, it is required that potentially affected State, federal, and local agencies be consulted to assure that the program does not conflict with existing policies and programs. For this purpose, the Draft LWRP Amendment is available online at: <https://dos.ny.gov/public-notice>

The Village of Croton-on-Hudson Draft LWRP Amendment was accepted by the New York State Department of State (DOS) as complete and is now available for review by potentially affected State, federal and local agencies, and the public. Comments on the Draft LWRP Amendment are due by June 5, 2023. At the close of this required review period, DOS will coordinate responses to comments received with the Village, and revisions to the LWRP Amendment will be made as necessary to address all comments. Following adoption of the LWRP by the Village, and its subsequent approval by the Secretary of State, pursuant to 15 CFR Part 923, Subpart H, DOS will request incorporation of the LWRP Amendment into the State's

Coastal Management Program by the federal Office for Coastal Management (OCM), as a Program Change.

Comments on the Village of Croton-on-Hudson Draft LWRP Amendment should be submitted by June 5, 2023 to: Lisa Vasilakos, Department of State, Office of Planning, Development and Community Infrastructure via email at Lisa.Vasilakos@dos.ny.gov

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.

2023-0128 Matter of Wagner Architecture & Design, Michele Wagner-Nebbia, 57 Rollstone Ave., West Sayville, NY 11796-1309, for a variance concerning safety requirements, including a ceiling height and height under projection. Involved is an existing dwelling located at 61 Homeland Drive, Town of Huntington, County of Suffolk, State of New York.

2023-0129 Matter of Brian Calderon, 40 Wilmarth Avenue, Patchogue, NY 11772, for a variance concerning safety requirements, including a ceiling height and height under projection. Involved is an existing dwelling located at 40 Wilmarth Avenue, Patchogue, Town of Brookhaven, NY 11772, County of Suffolk, State of New York.

2023-0131 Matter of Sanjeev Ahuja, 800 Bryant Avenue, New Hyde Park, NY 11040, for a variance concerning safety requirements, including a ceiling height and height under projection. Involved is an existing dwelling located at 800 Bryant Avenue, New Hyde Park, Town of Islip, NY 11040, County of Suffolk, State of New York.

2023-0133 Matter of Jared Mandel Architects, Jared Mandel, 25 Hillside Avenue, Williston Park, NY 11596, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 168 Horton Highway, Village of Mineola, NY, County of Nassau, State of New York.

2023-0134 Matter of John G. Gleason R.A., 336 Sixth Avenue, St. James, NY 11780, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at Eight Caroline Street, Town of Brookhaven, NY, County of Suffolk, State of New York.

PUBLIC NOTICE

Susquehanna River Basin Commission

SUMMARY: As part of its regular business meeting held on March 16, 2023, in Harrisburg, Pennsylvania, the Commission approved the applications of certain water resources projects and took additional actions, as set forth in the Supplementary Information below.

DATES: March 16, 2023.

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

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

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above, these actions were also taken: (1) ratification of one grant amendment and approval of one grant agreement; (2) authorization to release a proposed general permit GP-02 for public comment (3) and actions on 18 regulatory program projects.

Project Applications Approved:

1. Project Sponsor and Facility: BKV Operating, LLC (North Branch Wyalusing Creek), Middletown Township, Susquehanna County, Pa. Application for surface water withdrawal of up to 2.731 mgd (peak day).

2. Project Sponsor and Facility: Dover Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.360 mgd (30-day average) from Well 8 (Docket No. 19911104).

3. Project Sponsor and Facility: First Quality Tissue, LLC (Bald Eagle Creek), Allison, Bald Eagle, and Castanea Townships, Clinton County, Pa. Applications for renewal of surface water withdrawal of up to 10.500 mgd (peak day) and consumptive use of up to 2.500 mgd (peak day) (Docket No. 20080303).

4. Project Sponsor and Facility: Hardinge Inc., Town of Horseheads, Chemung County, N.Y. Applications for groundwater withdrawals (30-day averages) of up to 0.550 mgd from Well 4 and renewal of 0.580 mgd from Well 5 (Docket No. 19900302).

5. Project Sponsor: Helix Ironwood, LLC. Project Facility: Ironwood Generating Station (Pennsy Quarry), South Lebanon Township, Lebanon County, Pa. Applications for renewal of surface water withdrawal, consumptive use and out-of-basin diversion of up to 4.500 mgd (peak day) (Docket No. 19980502).

6. Project Sponsor and Facility: Mount Union Municipal Authority, Wayne Township, Mifflin County, Pa. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well #3 – Lemkelde (Docket No. 20070303).

7. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Fall Brook), Ward Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180303).

8. Project Sponsor and Facility: Repsol Oil & Gas USA, LLC (Fellows Creek), Ward Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20180304).

9. Project Sponsor and Facility: Seneca Resources Company, LLC (Arnot No. 5 Mine Discharge), Bloss Township, Tioga County, Pa. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20180305).

10. Project Sponsor and Facility: Seneca Resources Company, LLC (Cowanessque River), Deerfield Township, Tioga County, Pa. Application for renewal with modification to increase the surface water withdrawal by an additional 0.661 mgd, for a total of up to 1.600 mgd (peak day) (Docket No. 20220920).

11. Project Sponsor and Facility: Seneca Resources Company, LLC (Susquehanna River), Sheshequin Township, Bradford County, Pa. Application for renewal of surface water withdrawal of up to 0.850 mgd (peak day) (Docket No. 20180306).

12. Project Sponsor: Springwood, LLC. Project Facility: Bridgewater Golf Club, York Township, York County, Pa. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 20080307).

13. Project Sponsor and Facility: SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20180307).

14. Project Sponsor and Facility: Wise Foods, Inc., Berwick Borough, Columbia County, Pa. Application for renewal of groundwater withdrawal of up to 0.860 mgd (30-day average) from Well PW-1 (Docket No. 19920502).

15. Project Sponsor: Wynding Brook Inc. Project Facility: Wynding Brook Golf Club, Turbot Township, Northumberland County, Pa. Application for renewal of consumptive use of up to 0.099 mgd (30-day average) (Docket No. 20080304).

Commission-Initiated Project Approval Modification:

1. Project Sponsor: Knouse Foods Cooperative, Inc. Project Facility: Peach Glen Plant, Tyrone and Huntington Townships, Adams County, and Dickinson Township, Cumberland County, Pa. Conforming the grandfathered amount with the forthcoming determination for groundwater withdrawals (30-day averages) of up to 0.327 mgd

combined from Wells 2, 4, 5, 7, 8, 9, 10, and 13, and up to 0.046 mgd from Well 13 (Docket No. 20040912).

Projects Tabled:

1. Project Sponsor: Biglerville Borough Authority. Project Facility: Biglerville Borough Water Company, Biglerville Borough and Butler Township, Adams County, Pa. Application for renewal of groundwater withdrawal of up to 0.112 mgd (30-day average) from Well 7 (Docket No. 19930503).

2. Project Sponsor and Facility: Dillsburg Area Authority, Carroll Township, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.460 mgd (30-day average) from Well 7 (Docket No. 20070907).

Authority: Public Law 91-575, 84 Stat. 1509 et seq., 18 CFR parts 806, 807, and 808.

Dated: March 21, 2023

Jason E. Oyler

General Counsel and Secretary to the Commission

PUBLIC NOTICE

Susquehanna River Basin Commission

Projects Approved for Consumptive Uses of Water

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

DATES: February 1-28, 2023.

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

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

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

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

1. BKV Operating, LLC; Pad ID: Bonnice 2; ABR-201011023.R2; Jessup Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 9, 2023.

2. Blackhill Energy LLC; Pad ID: NICHOLS 1H Pad; ABR-201008090.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 9, 2023.

3. Chesapeake Appalachia, L.L.C.; Pad ID: Dunny; ABR-201011066.R2; Windham Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 9, 2023.

4. Chesapeake Appalachia, L.L.C.; Pad ID: Lytwyn; ABR-201011028.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 9, 2023.

5. Coterra Energy Inc.; Pad ID: EmpetD P1; ABR-201211007.R2; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 9, 2023.

6. Coterra Energy Inc.; Pad ID: McLeanD P1; ABR-201211009.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 9, 2023.

7. Coterra Energy Inc.; Pad ID: WoodE P1; ABR-201211008.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 9, 2023.

8. EOG Resources, Inc.; Pad ID: RIGHTMIRE 2H Pad; ABR-201008083.R2; Ridgebury Township, Bradford County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 9, 2023.

9. EXCO Resources (PA), LLC; Pad ID: COP Tract 727 (Pad 3); ABR-201211011.R2; Gallagher Township, Clinton County, Pa.; Consumptive Use of Up to 8.0000 mgd; Approval Date: February 9, 2023.

10. Repsol Oil & Gas USA, LLC; Pad ID: ABELL LIVING TRUST (05 082); ABR-201011052.R2; Warren Township, Bradford County,

Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 9, 2023.

11. SWN Production Company, LLC; Pad ID: MULLOY PAD; ABR-201209008.R2; Jackson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 9, 2023.

12. SWN Production Company, LLC; Pad ID: TI-01 Mase Monte; ABR-201711002.R1; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 9, 2023.

13. Blackhill Energy LLC; Pad ID: KINGSLEY 4H; ABR-201008079.R2; Springfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 14, 2023.

14. Repsol Oil & Gas USA, LLC; Pad ID: HUTCHINSON (05 165) R; ABR-201011064.R2; Warren Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: February 16, 2023.

15. Coterra Energy Inc.; Pad ID: HordisC P1; ABR-201211016.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 20, 2023.

16. Seneca Resources Company, LLC; Pad ID: Neal 815; ABR-201011058.R2; Chatham Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 20, 2023.

17. Seneca Resources Company, LLC; Pad ID: Propheta 288; ABR-201011078.R2; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 20, 2023.

18. Seneca Resources Company, LLC; Pad ID: Sevem 474; ABR-201011071.R2; Charleston Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 20, 2023.

19. SWN Production Company, LLC; Pad ID: HARRIS PAD; ABR-201211015.R2; Harford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 20, 2023.

20. SWN Production Company, LLC; Pad ID: LOKE PAD; ABR-201211014.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 20, 2023.

21. Chesapeake Appalachia, L.L.C.; Pad ID: Allen Drilling Pad; ABR-201009002.R2.1; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 20, 2023.

22. Chesapeake Appalachia, L.L.C.; Pad ID: Kerrick Drilling Pad; ABR-201103040.R2.1; Asylum Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 20, 2023.

23. Chesapeake Appalachia, L.L.C.; Pad ID: Bishop Drilling Pad; ABR-201212014.R2; Auburn Township, Susquehanna County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 26, 2023.

24. Chesapeake Appalachia, L.L.C.; Pad ID: Harvey Drilling Pad; ABR-201212015.R2; Lemon Township, Wyoming County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 26, 2023.

25. Chesapeake Appalachia, L.L.C.; Pad ID: SGL 12 N WEST DRILLING PAD; ABR-201801001.R1; Leroy Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 26, 2023.

26. Coterra Energy Inc.; Pad ID: KielarD P1; ABR-201112002.R2; Lathrop Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 26, 2023.

27. SWN Production Company, LLC; Pad ID: SHELDON EAST PAD; ABR-201211013.R2; Thompson Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: February 26, 2023.

28. Chesapeake Appalachia, L.L.C.; Pad ID: Cochran Drilling Pad; ABR-201301003.R2; West Burlington Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: February 28, 2023.

29. Coterra Energy Inc.; Pad ID: TeddickM P3; ABR-201212006.R2; Brooklyn Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: February 28, 2023.

30. Seneca Resources Company, LLC; Pad ID: I G Coveney Revocable LVG Trust 282; ABR-201012032.R2; Richmond Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: February 28, 2023.

31. SWN Production Company, LLC; Pad ID: PLATUS PAD; ABR-201212004.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 28, 2023.

32. SWN Production Company, LLC; Pad ID: RACINE PAD; ABR-201212003.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: February 28, 2023.

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

Jason E. Oyler,

General Counsel and Secretary to the Commission.

Dated: March 9, 2023.

