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**NEW YORK STATE**  
**REGISTER**

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- Registration of Pharmacy Benefit Managers

**Notice of Availability of State and Federal Funds**

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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 11, 2023
- the 45-day period expires on May 27, 2023
- the 30-day period expires on May 12, 2023

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# NEW YORK STATE REGISTER

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## 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](http://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

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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](http://www.dos.ny.gov))

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# RULE MAKING ACTIVITIES

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

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

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

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## Department of Environmental Conservation

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### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### Class SA, SB, SC and I Saline Waters of the State

I.D. No. ENV-15-23-00006-P

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

**Proposed Action:** Amendment of Parts 701 and 703 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 3-0301 and 17-0301

**Subject:** Class SA, SB, SC and I saline waters of the State.

**Purpose:** Amend the water quality standards protective of shellfishing and recreation in the State's saline waters.

**Public hearing(s) will be held at:** 2:00 p.m., June 13, 2023 at Region 2, Long Island City; 2:00 p.m., June 15, 2023 at Virtual via WebEx.

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

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

**Text of proposed rule:** Section 701.26 is renumbered to section 701.27 and a new section 701.26 is added to read as follows:

701.26 *Wet Weather Limited Use Waters (WW)*.

(a) *The symbol (WW), appearing in an entry in the "standards" column*

*in the classification tables of Parts 800 through 941 of this Title, means that the classified waters in that specific item are influenced by wet weather discharges from CSOs. Any water quality standard, guidance value, or thermal criterion that specifies a (WW) exception would apply to waters where the (WW) symbol is listed in the standard column, otherwise the base water quality standard, guidance value, or thermal criterion assigned to the Class are applicable.*

703.4 Water quality standards for coliforms, enterococci, and E. coli.

Total and fecal coliform, enterococci, and E. coli standards for specific classes are provided in this section.

(a) Total coliforms (number per 100 ml).

| Classes                   | Standard   |
|---------------------------|--|
| AA                        | The monthly median value and more than 20 percent of the samples, from a minimum of five examinations, shall not exceed 50 and 240, respectively.      |
| A, B, C, D, SB, SC, I, SD | The monthly median value and more than 20 percent of the samples, from a minimum of five examinations, shall not exceed 2,400 and 5,000, respectively. |
| SA                        | The median most probable number (MPN) value in any series of representative samples shall not be in excess of 70.                                      |
| A-Special                 | The geometric mean, of not less than five samples, taken over not more than a 30-day period shall not exceed 1,000.                                    |
| GA                        | The maximum allowable limit is 50.   |

(b) Fecal coliforms (number per 100 ml).

|                           |   |
|---------------------------|---|
| A, B, C, D, SB, SC, I, SD | The monthly geometric mean, from a minimum of five examinations, shall not exceed 200.  |
| A-Special                 | The geometric mean, of not less than five samples, taken over not more than a 30-day period shall not exceed 200.   |
| SA                        | <i>In any series of representative samples, the median (or geometric mean) MPN per 100 milliliters of sample shall not exceed 14 and no more than 10 percent of the samples shall have MPN per 100 milliliters of sample in excess of 49 when using a multiple dilution fermentation tube test which examines three 10-milliliter sample portions, three one-milliliter sample portions and three one-tenth (0.1) milliliter sample portions.</i> |

(c) The total and fecal coliform standards for classes B, C, D, SB, SC and I shall be met during all periods:

(1) when disinfection is required for SPDES permitted discharges directly into, or affecting the best usage of, the water; or

(2) when the department determines it necessary to protect human health.

(d) Enterococci (number per 100 mL [colony-forming units or most probable number]).

| Classes   | Standard   |
|---|--|
| [Coastal recreation waters of the following classes:] SA, [and] SB, SC          | The geometric mean of samples collected over any consecutive 30-day period shall not exceed 35, and no more than 10 percent of the samples collected in the same 30-day period shall exceed 130. <i>For waters with the wet weather (WW) standard designation, these standards will apply during periods of dry weather with exceedances allowed per an approved Use Attainability Analysis (UAA) as required by 40 CFR 131.10.</i><br><br><i>The geometric mean of samples collected over any consecutive 30-day period shall not exceed 72, and no more than 10 percent of the samples collected in the same 30-day period shall exceed 266.</i> |
| (e) E. coli (number per 100 mL [colony-forming units or most probable number]). |  |

| Classes   | Standard  |
|---|---|
| Coastal recreation waters of the following classes: A, A-Special, AA, AA-Special, and B   | The geometric mean of samples collected over any consecutive 30-day period shall not exceed 126, and no more than 10 percent of the samples collected in the same 30-day period shall exceed 410. |
| (f)   |   |
| (1) The enterococci standards for Class SA[ and], SB, and SC [coastal recreation] waters shall apply:                                 |   |
| (i) during the period of May 1st through October 31st;  |   |
| (ii) in any other instance where the department determines it necessary to protect human health or the best usages of the waters; and |   |
| (iii) where required by State or Federal law or interstate compact.   |   |
| (2) The enterococci standards for Class I waters shall apply on a year-round basis.   |   |
| [(2)](3) The E. coli standards for Class A, A-Special, AA, AA-Special and B coastal recreation waters shall apply:                    |   |
| (i) during the period of May 1st through October 31st;  |   |
| (ii) in any other instance where the department determines it necessary to protect human health or the best usages of the waters; and |   |
| (iii) where required by State or Federal law or interstate compact.   |   |
| Section 703.4(g) is repealed.   |   |

**Text of proposed rule and any required statements and analyses may be obtained from:** Michelle Tompkins, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-3500, (518) 402-8233, email: WQSrulemakings@dec.ny.gov

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

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

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

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/127310.html>):**

The New York State Department of Environmental Conservation (the Department) is proposing revisions to New York's regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended water quality standards (WQS) to protect the shellfishing best use in Class SA waters; protect the primary contact recreation (PCR) best use in Class SA and SB waters; maintain water quality suitable for PCR in Class SC<sup>1</sup> waters; protect the secondary contact recreation (SCR) best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges.

#### 1. Statutory Authority

The statutory authority for these updates is found in the Environmental Conservation Law (ECL) Articles 3 and 17. ECL Article 3 provides that the Commissioner of the Department may adopt regulations to carry out the purposes of the ECL in general. ECL Section 17-0301 provides that the Department "shall group the designated waters of the state into classes. Such classification shall be made in accordance with considerations of best usage in the interest of the public" and "shall adopt and assign standards of quality and purity for each such classification necessary for the public use or benefit contemplated by such classification." ECL 17-0301(2), (4).

Specific to the proposed WQS for protection of SCR in Class I waters, ECL § 17-0301(5)(c)(7) authorizes the Department to "adopt and assign more restrictive standards for the best usages of the waters of the state." Using that authority, the Department is proposing new WQS using Enterococci as a fecal indicator bacteria (FIB) to protect SCR in Class I waters.

#### 2. Legislative Objectives

The legislative objectives related to these proposed regulatory updates are "to conserve, improve and protect [the State's] natural resources and environment and to prevent, abate and control water, land, and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social wellbeing." ECL 1-0101(1). Furthermore, it is the policy of the State to guarantee that the "widest range of beneficial uses of the environment is attained without risk to health or safety, unnecessary degradation or other undesirable or unintended consequences." ECL 1-0101(3)(b). In furtherance of these broad policies, specific objectives are to "maintain reasonable standards of purity of the waters of the state consistent with public health and public enjoyment thereof..." ECL 17-0101.

Although the proposed rule will likely result in an increase in energy use at treatment facilities, it is not inconsistent with and will not interfere with the attainment of the statewide greenhouse gas emissions limits established in Article 75 of the ECL, provided that the increased energy demand is met through clean energy that meets the targets in the Climate Leadership and Community Protection Act.

#### 3. Needs and Benefits

The Department is proposing new WQS for Class SA waters to align with the current standards for certification of shellfish lands identified in 6 NYCRR Part 47. The proposed amendments include WQS for fecal coliform (FC) in Class SA waters of a geometric mean (GM) of 14 MPN<sup>2</sup>/100 mL and no more than 10 percent of samples shall exceed FC of 49 MPN/100 mL.

The proposed rule amends the WQS for Class SA, SB, and SC waters to include Enterococci as a FIB. The proposed Enterococci WQSs are consistent with the United States Environmental Protection Agency's (USEPA's) 2012 Recreational Water Quality Criteria (RWQC). The proposed WQSs for Class SA, SB, and SC waters are an Enterococci 30-day GM of 35 CFU<sup>3</sup>/100 mL and a statistical threshold value (STV) of 130 CFU/100 mL.

The Department is proposing Enterococci WQS for the protection of the SCR best use in Class I waters. The proposed WQSs include an Enterococci 30-day GM of 72 CFU/100 mL and a STV of 266 CFU/100 mL. The proposed WQSs were derived based on an ingestion risk comparison to the 2012 RWQC as recommended by "An Approach for Applying EPA's 2012 Recreational Water Quality Criteria Recommendation to Non-primary Contact Exposure Scenarios White Paper" (USEPA 2022). The application of the STV in the proposed WQS makes them more stringent and more protective of the SCR use than the site-specific GM-only WQSs adopted by the Department in 2021.

For waters subject to short-term, periodic impairment of best usages due to untreated or partially treated CSO discharges, the Department proposes to establish a wet weather (WW) limited use designation. For waters assigned the (WW) limited use designation, the underlying WQS applicable to their assigned classification would be applied during periods of dry weather, with limited exceedances of select WQS permissible during periods of wet weather. At this time, no waterbodies are being assigned the (WW) designation with these proposed regulatory updates.

It is acknowledged that certain waterbodies impacted by this proposed rule making may not satisfy the section 101(a)(2) goals of the Clean Water Act (CWA). The Department's May 2020 clarification rule making removed the "water quality shall be suitable for primary contact recreation" language from 6 NYCRR Part 701.13 (Class I) and "water quality shall be suitable for primary and secondary contact recreation" from Part 701.14 (Class SD). These 'suitable' clauses did not define a best usage for the waters but did align waters with the CWA swimmable goal. Therefore, consistent with the Code of Federal Regulations (CFR) (Title 40, Chapter I, Subchapter D, Part 131.10 and/or Part 131.14), the Department will eventually draft use attainability analyses (UAAs) and/or variances for all non-CWA 101(a)(2) compliant waterbodies. This includes those waters of Class I, Class SD, and any water with a (WW) designation.

Following a decision to adopt this rule, the Department will immediately begin work on a second planned rule making, with the goal to be publicly noticed no later than December 2024, that will modify classifications of the State's saline waters to better align with existing uses and water quality improvement goals for those waters. Due to present uncertainties regarding waters that will be reclassified to Class SC or higher in the second rule, and may not require a UAA and/or variance, the necessary UAAs and/or variances will be part of that latter rule making. The combined content of both rule makings along with the UAAs/variances will bring the saline waters of the State into compliance with the CWA goals.



#### 4. Costs

The proposed WQS for FC protective of shellfishing for Class SA waters are effectively equivalent to the current Class SA TC WQS. It is not anticipated that State Pollutant Discharge Elimination System (SPDES) permits for discharges to Class SA would incur a regulatory impact due to the proposed FC WQS.

The Department identified twenty-four facilities discharging to waters subject to proposed Enterococcus WQS amendments for Class SA, SB, SC, and I waters. Under the proposed Enterococci WQSs, the impacted facilities will incur a collective capital cost of approximately \$2.4 million to construct chlorination/de-chlorination. Additionally, all twenty-four impacted facilities will incur O&M costs, to cover increased chlorine dosing or increased UV intensity, as applicable, collectively totaling approximately \$4.5 million per year.

Additional costs for laboratory analysis of up to \$81,300 per year across all facilities may occur, depending on how the Department implements the proposed Enterococci WQSs for dischargers to saline waters. Should the Department supplant TC or FC effluent limitations in SPDES permits with Enterococci, there will be no additional impact because the analytical cost for all three FIBs is roughly the same.

Certain waters, subject to the proposed Enterococci WQS, are impacted by CSOs. Most of the CSO impacts that occur in Class SB and Class I waters are in and around New York City (NYC). NYC's CSO control program is implemented through the development of Long Term Control Plans (LTCPs). The yet to be completed cost of projects detailed in the approved<sup>4</sup> LTCPs is \$2.3 billion. The LTCPs will not be immediately opened or renegotiated to attain compliance with the proposed WQS but will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through post-construction compliance monitoring (PCCM).

The CSO-impacted waters projected not to attain the proposed Enterococci WQS include: Hutchinson River (SB), Alley Creek (I), Bronx River(I), Coney Island Creek(I), Flushing Creek(I), tributaries of Jamaica Bay(I), and Westchester Creek (I).

Using 100% CSO capture, a highly conservative approach with respect to water quality, the Department estimated increased control costs for outfalls discharging to the listed CSO-impacted waters. The total cost of 100% capture for these receiving waters is \$9.7 billion, but this impact is deferred. No other CSO communities will incur financial impacts from the proposed WQS amendments.

The (WW) designation being proposed with these regulatory updates will not be immediately applicable and, therefore, has no associated costs. Future rule makings that apply the (WW) designation will detail costs associated with its application.

#### 5. Local Government Mandates

As described in this document, these proposed regulatory updates will revise and update New York State's WQS, which in turn will be incorporated into SPDES permits issued under Titles 7 and 8 of Article 17 of the ECL. Beyond the estimated costs discussed above, the Department has determined these proposed regulatory updates do not impose any additional program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or other special district.

#### 6. Paperwork

The proposed regulations are not expected to increase or decrease the number of significant SPDES permittees (for permit classifications see the Department's Technical & Operational Guidance Series 1.2.2).

As part of the SPDES program, all significant permittees are already required to periodically report monitoring data for pollutants not included in their SPDES permits. These proposed regulatory updates do not require the submission of any new forms.

#### 7. Duplication

Under federal law, promulgation of surface WQSs is primarily a state responsibility. USEPA provides oversight and guidance and approves state WQSs for surface water but does not promulgate WQSs that apply nationwide. As such, none of the proposed WQS amendments duplicate Federal law.

#### 8. Alternatives

The "no action" alternative for updating the WQS for shellfishing protection in Class SA waters was rejected because these proposed regulatory updates are already included elsewhere in State regulation (6 NYCRR Part 47).

The "no action" alternative regarding the proposed Enterococci WQS for Class SA, SB, and SC waters was rejected as it fails to satisfy USEPA 304(a) recommendations or requirements, as applicable.

The Department considered the "no action" alternative regarding Class I WQS amendments for the protection of SCR. While there are currently no criteria recommendations for SCR, the "no action" alternative does not provide needed public protection for those participating in SCR in Class I waters.

Although not applied to any specific waters with this proposal, the

Department considered the "no action" alternative for the wet weather limited designated use (WW). Absent the (WW) designation, waters nearing attainment of higher best usages would not make any progress towards attaining those higher best usages and lack the dry weather protections of the higher classification.

#### 9. Federal Standards

The proposed regulatory changes do not exceed any federal minimum standards.

#### 10. Compliance Schedule

These proposed regulatory updates will take effect on the date specified in the Notice of Adoption. After these regulatory updates become effective, they will be implemented in SPDES permits as they are issued or renewed in accordance with Department's Environmental Benefit Permit Strategy.

Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through PCCM. After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

<sup>1</sup> Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but must be maintained as suitable for that activity. Most Probable Number.

<sup>2</sup> Most Probable Number

<sup>3</sup> Colony Forming Units

<sup>4</sup> The "Combined Sewer Overflow Long Term Control Plan for Citywide/Open Waters" (September 2020) is still under review and has not been approved by the Department.

**Summary of Regulatory Flexibility Analysis (Full text is posted at the following State website: <https://www.dec.ny.gov/regulations/127310.html>):**

The New York State Department of Environmental Conservation (the Department) is proposing revisions to New York's water quality standard (WQS) regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended WQS to protect the shellfishing best use in Class SA waters; protect the primary contact recreation best use in Class SA and SB waters; maintain water quality suitable for primary contact recreation in Class SC<sup>1</sup> waters; protect the secondary contact recreation best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by CSO discharges.

#### 1. Effect of Rule

The Department reviewed the proposed WQS amendments and identified facilities that may be impacted by the proposed regulatory updates. The Department identified twelve municipal wastewater treatment facilities, ranging from 0.24 million gallons per day (MGD) to 120 MGD treatment capacity. Additionally, ten Private, Commercial, and Institutional (PCI) facilities were identified as surface water sanitary dischargers to the subject saline waters. Two industrial facilities were also identified with sanitary discharges to saline waters impacted by the proposed WQS. Of the ten PCIs and two industrial facilities identified, four may meet the qualifications of being a Small Business as defined in Section 131 of New York State (NYS) Economic Development Law.

The proposed updates to WQS are protective of shellfishing for Class SA waters and all discharges to SA waters. Per regulations at 6 NYCRR 47.3, samples collected from waters overlying certified shellfish lands shall have a total coliform (TC) geometric mean of 70 MPN/100ml or less or a fecal coliform (FC) geometric mean of 14 MPN/100ml or less, as these two criteria are equally protective. Since the TC geometric mean of 70 MPN/100ml is the current WQS and basis for current SPDES effluent limits, it is not anticipated that SPDES permits for discharges to Class SA waters would need to be amended to include an additional QBEL for FC since this is equivalent to the QBEL for TC that is already in place.

Under the proposed Enterococci WQS, twelve municipal wastewater treatment facilities, ten PCI facilities, and two industrial facilities discharging to saline waters will likely need to upgrade their existing disinfection systems or incur increased operation and maintenance (O&M) costs. The Department analyzed the costs associated with disinfection using both chlorination and ultraviolet radiation (UV).

#### 2. Compliance Requirements

There are numerous municipal wastewater treatment facilities and several other regulated entities that discharge into waters affected by the proposed Enterococci WQS. All currently permitted sanitary wastewater dischargers disinfect their effluent to meet WQS. It is anticipated that some of these dischargers will need to upgrade those existing disinfection systems, and in some cases add dichlorination, to meet the proposed Enterococci WQS. The need for compliance schedules for small businesses and local governments will be evaluated on a case-by-case basis.

New York City (NYC) owns and operates numerous combined sewer

overflows (CSOs) that discharge to waters affected by the proposed Enterococci WQS. NYC is already obligated, through an administrative consent order, to implement its Long Term Control Plans (LTCPs) to meet current WQS. It is anticipated that some CSO impacted waters may not meet the proposed WQS post-LTCP implementation. Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through post-construction compliance monitoring (PCCM). After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

### 3. Professional Services

There may be professional engineering services needed for the facilities potentially affected by the proposed regulatory updates, as mentioned above, to upgrade existing disinfection systems.

### 4. Compliance Costs

The Department reviewed the proposed regulatory updates and identified the likely anticipated costs that are set forth in this section.

The Department estimates that two municipal facilities and seven PCI facilities will incur a collective capital cost of approximately \$2.4 million to construct chlorination/de-chlorination. Additionally, all twenty-four impacted facilities will incur increased O&M costs, collectively totaling approximately \$4.5 million per year, to cover increased chlorine dosing or increased UV intensity, as applicable to their current disinfection practices.

Additional costs for laboratory analysis of up to \$81,300 per year across all facilities may occur, depending on how the Department implements the proposed Enterococci WQS for dischargers to saline waters. Should the Department supplant TC or FC effluent limitations in SPDES permits with Enterococci, there will be no additional impact because the analytical cost for all three fecal indicator bacteria (FIB) is roughly the same.

The Department does not plan on repealing the existing TC and FC WQS, and SPDES permits subject to issuance and renewal will be evaluated individually to determine the most appropriate discharge effluent limitations.

Certain waters subject to the proposed WQS are impacted by CSOs. Most of the CSO impacts occur in Class SB and Class I waters in and around NYC. NYC's CSO control program is implemented through the development of LTCPs. The LTCPs must meet the regulatory requirements of the United States Environmental Protection Agency's (USEPA's) CSO Control Policy as per the Clean Water Act section 402(q) and must adhere to the terms of the 2005 Consent Order between the Department and NYC (Case No. CO2-20000107-8), as modified in 2008, 2009, 2012, 2015, 2016, and 2017 (collectively the "Consent Order"), and NYC's SPDES permits. LTCPs evaluate the cost-effectiveness of a range of control options/strategies, including up to 100% CSO capture. The LTCPs are reviewed and approved by the Department based on currently applicable WQS. The cost of yet to be completed projects detailed in the approved LTCPs is \$2.3 billion. The LTCPs will not be immediately opened or renegotiated to attain compliance with the proposed WQS but will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through PCCM.

NYCDEP provided some water quality model runs to the Department to assess compliance with the proposed Enterococci WQS in the CSO-impacted waters. The model runs indicated that the proposed Enterococci WQS will not be attained in some waters; thus, additional water quality improvements may be needed after the LTCP projects are completed. The Hutchinson River is the only CSO-impacted water projected not to attain the proposed Enterococci WQS for Class SB. CSO-impacted waters projected not to attain the proposed Enterococci WQS for Class I include: Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, tributaries of Jamaica Bay and Westchester Creek.

Although such impacts are not immediate, as noted above, costs for CSO-impacted waters to comply with the proposed Enterococci WQS must still be estimated. Using 100% CSO capture, a highly conservative approach with respect to water quality, the Department estimated increased control costs for outfalls discharging to Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, Hutchinson River, tributaries of Jamaica Bay and Westchester Creek to meet the proposed Enterococci WQS for Class SB and Class I waters. The total cost of 100% capture for these receiving waters is \$9.7 billion. No other CSO communities will incur financial impacts from the proposed WQS.

The (WW) designation being proposed with these regulatory updates will not be immediately applicable to any waters and, therefore, has no associated costs. Future rule makings that apply the (WW) designation will detail costs associated with its application.

### 5. Economic and Technological Feasibility

The Department concluded that compliance by parties regulated under SPDES permits is both economically and technologically feasible. Under the proposed Enterococci WQS twelve municipal wastewater treatment facilities, ten PCI facilities, and two industrial facilities discharging to

marine coastal recreation waters will likely need to upgrade their existing disinfection systems or incur increased O&M costs resulting from higher dosing.

Economic and technological feasibility for additional CSO controls is difficult to assess at this time, but such costs are deferred until currently approved LTCP projects are completed.

### 6. Minimizing Adverse Impact

In developing these regulatory updates, the Department considered approaches that would minimize adverse economic impacts on small businesses and local governments such as differing requirements, outcome standards, and potential exemptions from coverage. Given the nature of these proposed regulatory updates, and in order to adequately protect the waters of the State, in compliance with both State and federal law, differing regulatory requirements or potential exemptions for small businesses and local governments were not feasible. However, for the potentially impacted facilities subject to these proposed regulatory updates, the Department will allow necessary time to achieve compliance.

The proposed regulatory updates will take effect on the date specified in the Notice of Adoption. However, the Department recognizes that it may be unreasonable, both physically and fiscally, to expect regulated parties to comply with the regulations immediately. After the regulatory updates become effective, they will be implemented in SPDES permits when the permits are initially issued or renewed. Permit renewals and integration of the proposed WQS will follow the Department's Environmental Benefit Permit Strategy that prioritizes renewals to permits having the greatest potential for environmental impact. If additional new or modified treatment is required to meet the proposed WQS, a compliance schedule may be included in the permit on a case-by-case basis and may require the permittee to submit a report describing their alternative treatment strategy to meet the WQS and include a schedule for construction. Under such a scenario, the Department would review and, if appropriate, approve the report before construction could commence.

Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through PCCM. After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

### 7. Small Business and Local Government Participation

The Department will inform the public about the proposed regulatory updates through the Department website, letters to dischargers and municipalities, and notices in the Environmental Notice Bulletin and the State Register. During the public comment period, the Department will hold a public hearing on the proposed rule making. The public will have the opportunity to comment on the proposed regulatory updates by attending a public hearing or by submitting written comments to the Department.

<sup>1</sup> Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but 701.12 does specify "The water quality shall be suitable for primary and secondary contact recreation..." in Class SC waters. Absent a primary contact recreation best use, Class SC waters are still protected by standards aligning with the swimmable goal of the Clean Water Act.

### Rural Area Flexibility Analysis

The New York State Department of Environmental Conservation is proposing revisions to New York's water quality standard (WQS) regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended WQS to protect the shellfishing best use in Class SA waters; protect the primary contact recreation best use in Class SA and SB waters; maintain water quality suitable for primary contact recreation in Class SC<sup>1</sup> waters; protect the secondary contact recreation best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges. The proposed regulatory updates would impact waters in and around the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester. The counties listed are not rural areas as defined in New York State Administrative Procedure Act section 102(10) and Executive Law section 481(7) and, therefore, the proposed regulatory updates have no associated rural impact.

<sup>1</sup> Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but 701.12 does specify "The water quality shall be suitable for primary and secondary contact recreation..." in Class SC waters. Absent a primary contact recreation best use, Class SC waters are still protected by standards aligning with the swimmable goal of the Clean Water Act.

### Job Impact Statement

The New York State Department of Environmental Conservation (the Department) is proposing revisions to New York's water quality standard



(WQS) regulations in Title 6 New York Codes, Rules and Regulations (NYCRR) Parts 701 and 703. The proposed regulatory updates include amended WQS to protect the shellfishing best use in Class SA waters; protect the primary contact recreation best use in Class SA and SB waters; maintain water quality suitable for primary contact recreation in Class SC<sup>1</sup> waters; protect the secondary contact recreation best use in Class I waters; and add a wet weather (WW) limited use designation for waters impacted by combined sewer overflow (CSO) discharges.

#### 1. Nature of Impact

The only businesses or entities that could potentially be adversely impacted by the proposed regulatory updates are those that hold State Pollutant Discharge Elimination System (SPDES) permits and/or operate collection systems with CSOs. New WQS for Class SA waters for the protection of shellfish harvesting best use are not anticipated to have an adverse fiscal or job impact.

#### 2. Categories and Numbers Affected

The Department reviewed the proposed regulatory updates and identified the likely anticipated costs that are set forth in this section. The Department identified twelve municipal wastewater treatment facilities, ranging from 0.24 million gallons per day (MGD) to 120 MGD treatment capacity, discharging to waters subject to Class SA, SB, SC, and I Enterococci WQS amendments in this proposal. Additionally, ten Private, Commercial, and Institutional (PCI) facilities were identified as surface water sanitary dischargers to the subject saline waters. Two industrial facilities were also identified with sanitary discharges to saline primary contact recreation waters. An additional nine facilities, owned and operated by the New York City (NYC) Department of Environmental Protection (DEP), were identified but not included in the regulatory impact analysis, because they already have an Enterococci water quality based effluent limitations (WQBELs) included in their SPDES permits. The proposed fecal coliform WQS for class SA waters do not have regulatory impact costs.

The estimated unit cost for building a UV disinfection system is \$634,008/MGD<sup>2</sup> design flow in capital costs with an estimated O&M cost of \$12,367/MGD per year. Given that the total capital cost for conversion to UV disinfection is significantly higher than other alternatives, the estimated financial impact assumes that the impacted facilities will not choose the UV option. For facilities that already have an existing UV disinfection system, the most cost-effective alternative is to double the UV light intensity or dosing; thus, the financial impact of \$12,367/MGD per year will result solely from increased O&M expenditures. As many of the facilities considered in this analysis are currently using chlorination for disinfection, these proposed regulatory updates will likely require additional chlorination, which may result in a need to add de-chlorination to the treatment system. Because of the likelihood that additional de-chlorination will be needed, the Department determined the capital costs for constructing a de-chlorination facility. Construction of a de-chlorination facility is estimated to cost \$272,066/MGD. The Department used the approximately \$23,002/MGD per year average O&M cost to determine the potential financial impact associated with O&M for facilities utilizing chlorination and de-chlorination, and \$34,503/MGD per year for facilities that currently chlorinate but will need to add de-chlorination facilities. The Department estimates that two municipal facilities and seven PCI facilities will incur a collective capital cost of approximately \$2.4 million to construct chlorination/de-chlorination. Additionally, all twenty-four impacted facilities will incur increased O&M costs collectively totaling approximately \$4.5 million per year, to cover increased chlorine dosing or increased UV intensity, as applicable to their current disinfection practices.

Although these costs are not de minimis, they are spread across a large number of facilities over time and are not likely to impact in any measurable way job opportunities in New York State. To the contrary, these proposed regulatory updates may create job opportunities for engineers and construction firms to design and construct necessary wastewater treatment facility retrofits.

Certain waters subject to the proposed Enterococci WQS are impacted by CSOs that occur in Class SB and Class I waters in and around NYC. NYC's CSO control program is implemented through the development of Long Term Control Plans (LTCPs). The LTCPs must meet the regulatory requirements of the United States Environmental Protection Agency's (USEPA) CSO Control Policy as per the Clean Water Act section 402(q), and must adhere to the terms of the 2005 Consent Order between the Department and NYC (Case No. CO2-20000107-8), as modified in 2008, 2009, 2012, 2015, 2016, and 2017 (collectively the "Consent Order"), and NYC's SPDES permits. LTCPs evaluate the cost-effectiveness of a range of control options/strategies, including up to 100% CSO capture. The LTCPs are reviewed and approved by the Department, based on currently applicable WQS. The yet to be completed cost of projects detailed in the approved<sup>3</sup> LTCPs is \$2.3 billion. The LTCPs will not be immediately opened or renegotiated to attain compliance with the proposed WQS but will be assessed for compliance with the new WQS after completion of the

LTCP and validation of LTCP controls through post-construction compliance monitoring (PCCM).

NYC DEP provided water quality model runs to the Department to assess compliance with the proposed Enterococci WQS in the CSO-impacted waters. The model runs indicated that the proposed Enterococci WQS will not be attained in some waters; thus, additional water quality improvements may be needed after the LTCP projects are completed. CSO-impacted waters projected not to attain the proposed Enterococci WQS for Class SB are limited to the Hutchinson River. CSO-impacted waters projected not to attain the proposed Enterococci WQS for Class I include: Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, tributaries of Jamaica Bay and Westchester Creek.

Estimating costs for these CSO-impacted waters to achieve the proposed WQS is difficult because pollutant concentrations at the overflows are unknown and variable, unlike a traditional SPDES outfall where the pollutant concentrations are monitored and the necessary controls to achieve compliance are easily calculated. Although such impacts are not immediate, as noted above, costs for CSO-impacted waters to comply with the proposed Enterococci WQS must still be estimated. Using 100% CSO capture, a highly conservative approach with respect to water quality, the Department estimated increased control costs for outfalls discharging to Alley Creek, Bronx River, Coney Island Creek, Flushing Creek, Hutchinson River, tributaries of Jamaica Bay and Westchester Creek to meet the proposed Enterococci WQS for Class SB and Class I waters. The total cost of 100% capture for these receiving waters is \$9.7 billion.

The (WW) designation being proposed with the regulatory updates will not be immediately applicable to any waters and therefore has no associated costs. Future rule makings that apply the (WW) designation will detail costs associated with its application.

#### 3. Regions of Adverse Impact

These proposed regulatory updates would set forth new WQS protecting recreation and shellfishing, as applicable, in saline waters of the State. These waters are found along the shores of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk, and Westchester counties. However, as mentioned above, the proposed regulatory updates are not likely to negatively impact, in any measurable way, job opportunities in the state of New York. To the contrary, these proposed regulatory updates may create job opportunities for engineers and construction firms to design and construct necessary wastewater treatment facility retrofits. The proposed regulatory updates may also result in fewer beach closures which, in turn, would potentially increase tourism revenue for the affected areas.

#### 4. Minimizing Adverse Impact

The proposed regulatory updates will take effect on the date specified in the Notice of Adoption. However, the Department recognizes that it may be unreasonable, both physically and fiscally, to expect regulated parties to comply with the regulations immediately. After the regulatory updates become effective, they will be implemented in SPDES permits when they are initially issued or renewed. Permit renewals and integration of the proposed WQS will follow the Department's Environmental Benefit Permit Strategy that prioritizes permit renewals having the greatest environmental impact. If additional new, or modified, treatment is required to meet the proposed WQS, a compliance schedule may be included in the permit on a case-by-case basis and may require the permittee to submit a report describing their alternative treatment strategy to meet the WQS, including a schedule for construction. Under such a scenario, the Department would review and, if appropriate, approve the report before construction could commence.

Waters subject to CSO discharges from permitted CSO outfalls will be assessed for compliance with the new WQS after completion of the LTCP and validation of LTCP controls through PCCM. After PCCM is completed and compliance with the WQS are assessed, new CSO control goals may be applied to discharges to waters that fail to meet WQS.

#### 5. Conclusion

The Department determined that this potential impact is not a "substantial adverse impact on jobs and employment opportunities" as that term is defined in section 201-a(6)(c) of the New York State Administrative Procedure Act. In addition, these proposed regulatory updates will not have a measurable impact on self-employment. Therefore, the Department determined that a Job Impact Statement is not required.

<sup>1</sup> Class SC waters do not have a best use of primary contact recreation assigned to them in 6 NYCRR Part 701, but 701.12 does specify "The water quality shall be suitable for primary and secondary contact recreation..." in Class SC waters. Absent a primary contact recreation best use, Class SC waters are still protected by standards aligning with the swimmable goal of the Clean Water Act.

<sup>2</sup> All '\$/MGD' and '\$/MGD per year' rates were adjusted for inflation from 2016 to 2022 values (<https://www.usinflationcalculator.com/>).

<sup>3</sup> The “Combined Sewer Overflow Long Term Control Plan for Citywide/Open Waters” (September 2020) is still under review and has not been approved by the Department. The waters covered by this LTCP were not included in the cost calculations because they were not impacted by the proposed regulatory updates (Class SD waters), or current projections show present or future attainment of the proposed WQS.

## Commission on Ethics and Lobbying in Government

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

#### Publicly Available Information and Documents and Records Access Requests

**I.D. No.** ELG-15-23-00007-EP

**Filing No.** 259

**Filing Date:** 2023-03-28

**Effective Date:** 2023-03-28

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

**Proposed Action:** Repeal of Part 937; and addition of new Part 937 to Title 19 NYCRR.

**Statutory authority:** Executive Law, section 94(5)(a); Public Officers Law, section 87(1)(b)

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

**Specific reasons underlying the finding of necessity:** The current version of Part 937 was promulgated by the Commission’s predecessor agency and it currently contains outdated and superseded information, including reference to the predecessor agency and records that were available from that agency. The formal rulemaking process would result in a continued period of time during which Part 937 would provide the public with outdated and superseded information. Therefore, the emergency rule is necessary for the general welfare in order to provide clarity regarding the process for the public to request and gain access to records and documents of the Commission and thereby promote transparency in government.

**Subject:** Publicly available information and documents and records access requests.

**Purpose:** Provides clarity and guidance on the process for requesting and accessing information, documents and records of the Commission.

**Text of emergency/proposed rule:** Part 937 is repealed and replaced to read as follows:

#### PART 937.

#### PUBLICLY AVAILABLE INFORMATION AND DOCUMENTS AND RECORDS ACCESS REQUESTS.

##### Section 937.1 Purpose and Scope

This Part contains information concerning the information, documents and records that are made publicly available by the Commission on Ethics and Lobbying in Government (the “Commission”) and sets forth the procedures by which such records and information may be obtained from the Commission pursuant to Executive Law § 94 and article six of Public Officers Law, known as the Freedom of Information Law.

##### 937.2 Information and Documents Publicly Available

(a) Pursuant to Executive Law section 94(13)(b), the following documents of the Commission are available on the Commission’s website:

(1) The information set forth in annual statements of financial disclosure filed by statewide elected officials and members of the State legislature pursuant to Public Officers Law § 73-a, except information that has been deleted pursuant to Executive Law § 94(9)(h);

(2) Notices of Delinquency issued pursuant to Executive Law § 94(9);

(3) Notices of Civil Assessments imposed pursuant to Executive Law § 94, which include a description of the nature of the alleged wrongdoing, the procedural history of the complaint, the findings and determinations made by the Commission, and any sanction imposed;

(4) The terms of any Settlement Agreement or compromise of a complaint or referral that includes a fine, penalty, or other remedy;

(5) Those documents required to be held or maintained publicly available pursuant to article one-A of the Legislative Law; and

(6) Non-confidential reports issued by the Commission pursuant to Executive Law § 94.

(b) In addition to the documents available pursuant to subdivision (a) of this section, the following additional information related to annual statements of financial disclosure is available upon request:

(1) With respect to a particular annual statement of financial disclosure:

(i) The date of submission;

(ii) Whether deletions have been made to the filing pursuant to Executive Law § 94(9)(h);

(a) This will not include information that is routinely redacted from all annual statements of financial disclosure by the Commission as a matter of course such as addresses of primary residence, names of minor children, email addresses, and account numbers.

(iii) If a particular filing is unavailable, the status of that filing, i.e., whether it is pending, overdue, or unavailable for some other reason such as an extension of time to file, an exemption from filing, or a pending application for deletion or exemption pursuant to Executive Law § 94(9).

(2) With respect to a particular individual, whether such individual is required to file an annual statement of financial disclosure, including:

(i) Whether the individual has been designated a Policy Maker or meets the filing rate pursuant to Public Officers Law § 73-a.

(a) This shall include the date that the reporting individual’s appointing authority amended the written instrument required under Public Officers Law § 73-a(1)(c)(ii) to include the individual as a required filer.

(ii) Whether such individual has sought or received an exemption from filing pursuant to Executive Law § 94(9)(k).

NB: responses to subparagraphs (i) and (ii) of paragraph (2) may vary depending on the filing year in question.

(3) For a specific state agency (as defined by subsection 1(b) of Public Officers Law § 73-a), a list of individuals who are required to submit an annual statement of financial disclosure and whether each individual has been designated as a Policy Maker by their appointing authority.

(4) A list of job titles and employment classifications that have been exempted from the requirement to file an annual statement of financial disclosure pursuant to Executive Law § 94(9)(k).

(c) In addition to the documents enumerated in subdivision (a) of this section, the Commission shall make available, pursuant to a request for information and/or request for records in accordance with this Part, the name, public office address, title and salary of all Commission staff.

(d) Requests for information, documents and/or records pursuant to this section shall be recorded in a Record Access Request Log, which shall include the date of the request, the identity of the individual or entity that made such request, the identity of the Commission staff recording the request, and identify the record or records requested and provided. The Record Access Request Log shall be made available upon a request for information and/or access to records in accordance with this Part.

##### Section 937.3 Records Access

(a) In addition to documents and information referenced in section 937.2 of this Part, other records, as defined in Public Officers Law § 86(4), may be made available for public inspection pursuant to article six of the Public Officers Law, subject to the exemptions and exceptions therein.

(b) Pursuant to Public Officers Law § 87(2), records and/or information made confidential or otherwise exempted or excepted from disclosure pursuant to Executive Law §§ 94(6)(d), (7)(b), 94(9)(f), 94(9)(g), 94(9)(j), 94(10)(m) and 94(11)(b) shall not be available for public inspection.

##### Section 937.4 Designation of Records Access Officer

(a) The Commission shall designate an individual to be the Commission’s records access officer.

(b) The records access officer shall within five business days of receipt of a request:

(1) approve the request and authorize inspection and copying of the record and certification of correctness of such copy; or

(2) deny the request and state the reason therefor; or

(3) if requested records are maintained on the internet, inform the requester that the records are accessible via the internet and in printed form either on paper or other information storage medium; or

(4) if the request does not clearly identify the records sought, seek additional information from the requester; or

(5) acknowledge receipt of the request and provide a statement of the approximate date when the request will be granted or denied in whole or in part.

(c) If receipt of the request was acknowledged by the records access officer in writing with a stated date by which the request would be granted or denied in whole or in part, but circumstances prevent the records access officer from doing so on or before the stated date, the records access officer shall, on or before such stated date, provide a written statement specifying the reason for the delay and provide a further date, within a reasonable period under the circumstances of the request, by which the request will be granted or denied in whole or in part.



(d) The records access officer shall, in authorizing issuance of copies of records, direct such omissions or redactions as may be required to protect the personal privacy of individuals in accordance with the requirements of the Freedom of Information Law, or any other applicable law, or regulation, including the provisions of section 94 of the Executive Law and of this Part.

**Section 937.5 Location and Hours for Public Inspection of Records**

(a) Records shall be available for public inspection and copying at:

The Commission on Ethics and Lobbying in Government

540 Broadway

Albany, NY 12207

(b) Requests for public access to records shall be accepted and records produced at the location specified in this section on days that the Commission is regularly open for business between the hours of 9:00 a.m. and 4:00 p.m.

(c) Requesters reviewing records onsite shall create a list, for the Commission to retain, of any records the requester copies, including photographs taken on a personal device.

**Section 937.6 Requests for Public Access to Records**

A requester shall submit a request for records by completing the Records Request Form on the Commission's website or by other writing. A request shall reasonably describe the information or record sought. Oral requests for records will not be accepted.

**Section 937.7 Subject Matter List**

The Commission shall develop a record finding list in conformity with the requirements of the Freedom of Information Law.

**Section 937.8 Denial of Access to Records**

(a) A denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the Executive Director of the Commission or their designee.

(1) The Executive Director or their designee shall determine appeals regarding denial of access to records under the Freedom of Information Law. The request for an appeal shall be sent to:

The Commission on Ethics in Lobbying in Government

540 Broadway

Albany, NY 12207

(2) Any person denied access to records may appeal, in writing, within thirty days of a denial.

(3) The written appeal shall include:

(i) the date of request for records;

(ii) a description, to the extent possible, of the records that were denied; and

(iii) the name and return address of the person denied access.

(4) The time for deciding an appeal shall commence upon receipt of a written appeal.

(5) Copies of all appeals shall be transmitted to the Committee on Open Government upon receipt.

(6) The appellant and the Committee on Open Government shall be informed in writing of the determination of the appeal within ten business days of receipt of such appeal.

**Section 937.9 Fees**

(a) No photocopy charge will be made for the first five pages not larger than 9 inches by 14 inches. No charge will be made to certify a record or to certify a denial of a request for a record and the reason therefor.

(b) A charge will be made of 25 cents per page of photocopy of pages not larger than 9 inches by 14 inches apart from the aforementioned five pages furnished without charge.

(c) Charges for materials or services not specified by statute or regulation shall be based on the actual cost thereof to the department.

(d) Payment for information services should be made by check or money order payable to "New York State Commission on Ethics and Lobbying in Government."

(e) Where it is anticipated that the fees chargeable for records on a single request will amount to more than \$25 and the requester has not indicated in advance their willingness to pay fees in such amount, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. Such notice shall offer to the requester an opportunity to confer with Commission personnel in order to revise the request if they so desire.

(f) The Commission may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(g) Upon affirmation of financial hardship, the Commission may waive an otherwise imposed fee in whole or in part when making copies of records available.

**Section 937.10 Public Notice**

The Commission's website shall contain the contact information for the records access officer, the procedure for appeal of a records request, and the location where records can be viewed.

**Section 937.11 Severability**

If any provision of these regulations or the application thereof to any

person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

**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 25, 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@ethics.ny.gov

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

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

**Regulatory Impact Statement**

1. Statutory Authority: Section 94(5)(a) of the Executive Law authorizes the Commission on Ethics and Lobbying in Government ("Commission") to adopt, amend, and rescind regulations pertaining to, inter alia, "any procedures of the commission." Additionally, section 87(1)(b) of the Public Officers Law requires each agency to promulgate rules and regulations in conformance with Article 6 of the Public Officers Law.

2. Legislative Objectives: This regulation provides clarity and guidance on the process for requesting and accessing information, documents and records of the Commission.

3. Needs and Benefits: The proposed rulemaking satisfies the Commission's statutory obligation, pursuant to Public Officers Law section 87(1)(b), to promulgate regulations pertaining to the availability of records and procedures to be followed, including, but not limited to how the public can request records and the location and hours in which records can be reviewed. Additionally, the proposed rulemaking explains that the Commission will designate a records access officer, the process for such to respond to requests for records, as well as the process for appealing the denial of access to records, and any applicable fee associated with producing records requested.

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 the cost to reproduce electronic records is usually de minimis and article 6 of the Public Officers Law provides for shifting much of the cost of reproduction of records to the party seeking the records.

Cost information is based on the fact that this rule implements the requirements set forth in Section 94 of the Executive Law and Article 6 of the Public Officers Law.

5. Local Government Mandates: The proposed regulation 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: This regulation duplicates some provisions of the Committee on Open Government's model Freedom of Information Law (FOIL) rules, but the proposed rulemaking expands upon the types of information and documents that will be available upon request outside of the FOIL process to increase transparency and access of such records to the public.

9. Federal Standards: This regulation pertains to requirements that specifically relate to record access at the Commission. This regulation does not exceed any minimum standards of the federal government with regard to a similar subject area.

10. Compliance Schedule: Compliance shall take effect upon adoption.

**Regulatory Flexibility Analysis**

A Regulatory Flexibility Analysis for Small Businesses and Local Governments is not submitted with this Notice of Proposed Rulemaking because the proposed 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 Proposed Rulemaking because the proposed 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 Proposed Rulemaking because the proposed rulemaking will have limited, if any, impact on jobs or employment opportunities. This regulation implements current law and, therefore, imposes no new requirements. This regulation does not relate to job or employment opportunities.

### NOTICE OF ADOPTION

#### Ethics Training for Lobbyists and Clients

**I.D. No.** ELG-01-23-00006-A

**Filing No.** 257

**Filing Date:** 2023-03-27

**Effective Date:** 2023-04-12

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)(a) and (h)

**Subject:** Ethics training for lobbyists and clients.

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

**Text of final rule:** 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) must enter training compliance information into the Commission's online lobbying application, as directed by the Commission.

**Final rule as compared with last published rule:** Nonsubstantial changes were made in section 943.5(b)(3).

**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: ethics.ny.gov

#### Initial Review of Rule

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

#### Revised Regulatory Impact Statement

A revised Regulatory Impact Statement (RIS) is not submitted with this Notice of Adoption because the non-substantive changes did not necessitate a revision to the previously published RIS.

#### Revised Regulatory Flexibility Analysis

A revised Regulatory Flexibility Analysis (RFA) for Small Businesses and Local Governments is not submitted with this Notice of Adoption because the non-substantive changes did not necessitate a revision to the previously published RFA.

#### Revised Rural Area Flexibility Analysis

A revised Rural Area Flexibility Analysis (RAFA) is not submitted with this Notice of Adoption because the non-substantive changes did not necessitate a revision to the previously published RAFA.

#### Revised Job Impact Statement

A revised Job Impact Statement (JIS) is not submitted with this Notice of Adoption because the non-substantive changes did not necessitate a revision to the previously published JIS.

#### Assessment of Public Comment

The agency received no public comment.

## Department of Financial Services

### EMERGENCY RULE MAKING

#### Registration of Pharmacy Benefit Managers

**I.D. No.** DFS-15-23-00001-E

**Filing No.** 256

**Filing Date:** 2023-03-27

**Effective Date:** 2023-03-27

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

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

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

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

**Specific reasons underlying the finding of necessity:** The New York Legislature passed chapter 828 of the Laws of 2021 on December 31, 2021, requiring the New York State Department of Financial Services ("Department") to regulate pharmacy benefit managers ("PBMs") operating in New York, including requiring PBMs to have certain duties, accountability, and transparency obligations to New York health plans. The legislation was subsequently amended by chapter 128 of the Laws of 2022, which went into effect on February 24, 2022.

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

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

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



drugs, which could result in serious health and safety consequences for such beneficiaries.

**Subject:** Registration of Pharmacy Benefit Managers.

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

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

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

**This notice is intended** to serve only as a notice of emergency adoption. This agency intends to adopt this emergency rule as a permanent rule and will publish a notice of proposed rule making in the *State Register* at some future date. The emergency rule will expire June 24, 2023.

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

#### Regulatory Impact Statement

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

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

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

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

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

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

Financial Services Law Section 306 provides the authority to the Superintendent, or the person authorized by the Superintendent, to conduct a hearing to subpoena witnesses, compel the attendance of witnesses, administer oaths, examine any person under oath and to compel any person to subscribe to his or her testimony, and to require the production of any books, papers, records, correspondence, or other such documents that the Superintendent deems necessary.

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

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

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

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

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

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

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

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

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

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

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

#### Regulatory Flexibility Analysis

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

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

#### Rural Area Flexibility Analysis

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

#### Job Impact Statement

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

#### Assessment of Public Comment

The agency received no public comment.

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## Department of Health

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

#### Inclusion of a Health Equity Impact Assessment as Part of the Certificate of Need (CON) Process

I.D. No. HLT-15-23-00008-P

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

**Proposed Action:** Addition of section 400.26; amendment of sections 600.1 and 710.2 of Title 10 NYCRR.

**Statutory authority:** Public Health Law, section 2803

**Subject:** Inclusion of a Health Equity Impact Assessment as Part of the Certificate of Need (CON) Process.

**Purpose:** To ensure community members and stakeholders are meaningfully engaged and considered in proposed facility projects.

**Text of proposed rule:** A new section 400.26 is added, to read as follows:

*Section 400.26. Health Equity Impact Assessments.*

(a) *In accordance with Public Health Law § 2802-b, applications under Article 28, meeting the criteria set forth in this section, shall include a health equity impact assessment. The purpose of the health equity impact assessment is to demonstrate how a proposed project affects the accessibility and delivery of health care services to enhance health equity and*

contribute to mitigating health disparities in the facility's service area, specifically for medically underserved groups.

(b) Definitions. For the purposes of this section the following terms shall have the following meaning:

(1) "Independent entity" means individual or organization with demonstrated expertise and experience in the study of health equity, anti-racism, and community and stakeholder engagement, and with preferred expertise and experience in the study of health care access or delivery of health care services, able to produce an objective written assessment using a standard format of whether, and, if so, how, the facility's proposed project will impact access to and delivery of health care services, particularly for members of medically underserved groups.

(2) "Conflict of Interest" means having a financial interest in the approval of an application or assisting in drafting any part of the application on behalf of the facility, other than the health equity assessment.

(3) "Stakeholders" shall include individuals or organizations currently or anticipated to be served by the facility, employees of the facility including facility boards or committees, public health experts including local health departments, residents of the facility's service area and organizations representing those residents, patients of the facility, community-based organizations, and community leaders.

(4) "Meaningful engagement" shall mean providing advance notice to stakeholders and an opportunity for stakeholders to provide feedback concerning the facility's proposed project, including phone calls, community forums, surveys, and written statements. Meaningful engagement must be reasonable and culturally competent based on the type of stakeholder being engaged (for example, people with disabilities should be offered a range of audiovisual modalities to complete an electronic online survey).

(c) In accordance with Public Health Law 2802-b, applications for the construction, establishment, change in establishment, merger, acquisition, elimination or substantial reduction, expansion or addition of a hospital service or health-related service of a hospital that require review or approval by the public health and health planning council or the commissioner, shall include a health equity impact assessment; provided, however, that a health equity impact assessment shall not be required for the following:

(1) projects that do not require prior approval but instead only require a written notice to be submitted to the Department prior to commencement of a project pursuant to Part 710 of this Title;

(2) minor construction and equipment projects subject only to limited review pursuant to Part 710 of this Title, unless such project would result in the elimination, reduction, expansion or addition of beds or services;

(3) establishment (new or change in ownership) of an operator, including mergers and acquisitions, unless such establishment would result:

(i) the elimination of a hospital service or health-related service; and

(ii) a 10 percent or greater reduction in the number of certified beds, certified services, or operating hours; or

(iii) a change of location of a hospital service or health-related service;

(4) applications made by a diagnostic and treatment center whose patient population is over fifty percent combined patients enrolled in Medicaid or uninsured, unless the application includes a change in controlling person, principal stockholder, or principal member of the facility.

(d) A health equity impact assessment shall be performed by an independent entity without a conflict of interest, using a standard format provided by the Department, and shall include:

(1) meaningful engagement of stakeholders commensurate to the size, scope and complexity of the facility's proposed project and conducted throughout the process of developing the health equity impact assessment, to incorporate and reflect community voices;

(2) a description of the mechanisms used to conduct meaningful engagement;

(3) a documented summary of statements received from stakeholders through meaningful engagement as submitted to, or prepared by, the facility or independent entity. The Department reserves the right to request and review individual statements as submitted, or prepared by the facility or independent entity, while reviewing the health equity impact assessment;

(4) documentation of the contractual agreement between the independent entity and the facility;

(5) a signed attestation from the independent entity that there is no conflict of interest; and

(6) a description of the independent entity's qualifications.

(e) When submitting an application to the Department requiring a health equity impact assessment, the application must include:

(1) a full version of the application and a version with proposed redactions, if any, to be shared publicly; and

(2) a signed written acknowledgment that the health equity impact

assessment was reviewed by the facility, including a narrative explaining how the facility has or will mitigate potential negative impacts to medically underserved groups identified in the health equity impact assessment. The narrative must also be made available to the public and posted conspicuously on the facility's website until a decision on the application is rendered by the public health and health planning council or the commissioner.

Paragraph (5) of subdivision (b) of section 600.1 is amended to read as follows:

(b) Applications to the council shall contain information and data with reference to:

\* \* \*

(5) the following documents shall be filed:

\* \* \*

(iii) a health equity impact assessment, if applicable, pursuant to section 2802-b of the Public Health Law and section 400.26 of this Title;

(iv) such additional pertinent information or documents necessary for the council's consideration, as requested.

Subdivision (b) of section 710.2 is amended to read as follows:

(b) The application setting forth the scope and concept of the project shall include the following if applicable:

\* \* \*

(11) a health equity impact assessment, if applicable, pursuant to section 2802-b of the Public Health Law and section 400.26 of this Title.

**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.

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

#### Regulatory Impact Statement

##### Statutory Authority:

Public Health Law (PHL) § 2803(2)(a) authorizes the Public Health and Health Planning Council (PHHPC) to adopt and amend rules and regulations, subject to the approval of the Commissioner of Health (Commissioner), to effectuate the provisions and purposes of Article 28 of the PHL. Chapter 766 of the Laws of 2021 and Chapter 137 of the Laws of 2022 amended Article 28 of the PHL by adding a new Section 2802-b, requiring health equity impact assessments to be submitted to the Department of Health (Department) for certain applications requiring review or approval by PHHPC or the Commissioner.

##### Legislative Objectives:

The legislative objective of PHL § 2802-b is to ensure the establishment, ownership, construction, renovation, and change in service of health care facilities defined in Article 28 (including general hospitals, nursing homes, diagnostic and treatment centers, and midwifery birth centers) do not adversely impact the public health of, service delivery to, or access to hospital and health-related services for medically underserved groups. Applications for select projects will be required to include a health equity impact assessment as part of the application process. The purpose of the assessment is to ensure community members, including members of medically underserved groups, are meaningfully engaged and considered in the development of proposed facility projects, encourage facilities to understand the health equity impacts of proposed projects and mitigate potential negative impacts from proposed projects, and allow the Department and PHHPC to consider how proposed projects will impact medically underserved groups when approving or denying applications. The intended impact of this legislation is to embed equity into structural decision-making processes, which will help New York's health care facilities stay accountable to enhancing health equity in their communities.

##### Needs and Benefits:

These regulations are necessary to implement PHL § 2802-b. Specifically, the regulations set forth criteria that: (1) qualifies an independent entity to conduct an objective health equity impact assessment; (2) defines a conflict of interest such that it would prevent an otherwise independent entity from performing an objective health equity impact assessment; (3) specifies requirements for meaningful engagement with stakeholders as part of the health equity impact assessment; (4) defines the type of applications for which a health equity impact assessment is and is not required; and (5) clarifies standards for completion of the health equity impact assessment, including the use of a template issued by the Department and inclusion of a narrative statement from the facility in response to the findings of the assessment.

In addition, the regulations require facilities to integrate health equity



into their decision making and planning processes to promote the maximum utilization of resources and ensure that medically underserved groups are not negatively impacted by proposed establishment, ownership, construction, renovation, and/or change in service applications. Requiring a demonstration of meaningful engagement with stakeholders will ensure that the people whom the health care facilities serve have a voice in proposed projects. This assessment is critical for Article 28 facilities to consider when making changes to their services, facilities and ownership. The regulations ensure that a facility reviews the findings of the health equity impact assessment and develops a narrative statement for how it will mitigate potential for exacerbating health inequities in underserved communities.

#### Costs:

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

The proposed regulation will require a health equity impact assessment to be completed with the submission of certain applications and will therefore require health care facilities to pay for such an assessment to be performed. Facilities are required to utilize an independent entity without a conflict of interest to complete the health equity impact assessment. The projected costs associated with performing such an assessment are not easily identifiable, as they will vary greatly depending on the size, scope and complexity of a facility's proposed project. However, the Department anticipates these costs could range anywhere from \$500 to upwards of \$30,000. These costs are unavoidable in the regulations, as PHL § 2802-b requires health equity impact assessments to be performed by independent entities.

#### Costs to State and Local Governments:

There is no impact on costs to state and local governments associated with this regulation unless they operate an Article 28 health care facility, in which case they may be required to submit a health equity impact assessment pursuant to the proposed regulations. The proposed regulations also define "stakeholders" to include local health departments, so local health departments may be asked to comment as part of a facilities' meaningful engagement of stakeholders. In this instance, local health departments may bear minimal costs associated with staff time but there are no major operational costs to local governments.

#### Costs to the Department of Health:

This regulation will result in an operational cost to the Department of Health due to the hiring of staff responsible for reviewing and analyzing data from health equity impact assessments submitted to the Department.

#### Local Government Mandates:

There is no impact on local government mandates associated with this regulation.

#### Paperwork:

This regulation will require Article 28 health care facilities to conduct a health equity impact assessment as part of their application. These facilities will need to contract with an independent entity to conduct a health equity impact assessment and document such agreement in appropriate records. Facilities also must submit documentation of their agreements with independent entities conducting health equity impact assessments.

In addition, the proposed regulation will require facilities to review their health equity impact assessments and develop a narrative on how they intend to mitigate potential harms to medically underserved groups. Facilities must submit this narrative along with their health equity impact assessments as part of the application.

#### Duplication:

This regulation does not have any duplications in state or federal law. There is some overlap between the health equity impact assessment and some of the required content for the certificate of need (CON) process. Specifically, Schedules 16-24 of the CON [excluding Schedule 23] application include questions for facilities to answer regarding the community need and impact on certain populations for changes in health care facilities. However, these questions are minimal and do not require "meaningful community engagement" to complete. This regulation is a means of ensuring "meaningful community engagement" and a full impact assessment focused on health equity for facilities participating in the certificate of need process.

#### Alternatives:

One alternative to the proposed regulation the Department considered was requiring all CON applications under Article 28 of the Public Health Law to be subject to the health equity impact assessment requirement. However, this alternative was ultimately not incorporated into the regulation because the Department decided to focus on the potential health equity impacts of proposed projects that involve access to or delivery of health services, and to exempt proposed projects such as routine repairs or maintenance. Another alternative the Department considered was to articulate more stringent requirements on the types of individuals or organizations that qualify to serve as independent entities for purposes of conducting health equity impact assessments. However, this alternative was not

incorporated into the proposed regulation because the Department did not want to limit the types of individuals or organizations with expertise and qualification that may prove to offer invaluable insight through their assessments.

#### Federal Standards:

There are no federal statutes or standards with respect to health equity impact assessments as a component of the CON process for facilities.

#### Compliance Schedule:

This regulation will become effective after publication of Notice of Adoption in the New York State Register.

#### Regulatory Flexibility Analysis

##### Effect of Rule:

Local governments and small businesses will not be affected by this rule, unless they operate a general hospital. Where a local government or small business operates a general hospital, they will be similarly affected as any other regulated entity under the rule. There are over 150 Article 28 health care facilities owned by municipalities and local governments in the State. The Department does not anticipate a change in establishment applications by such applicants as a result of the proposed regulation.

##### Compliance Requirements:

Pursuant to Public Health Law (PHL) § 2802-b, health care facilities regulated under Article 28 of the PHL will be required to have a health equity impact assessment performed by an independent entity when submitting certain applications to the Department for approval by the Public Health and Health Planning Council (PHHPC) or the Commissioner of Health (Commissioner). The regulations will help to further define what an independent entity is for purposes of performing a health equity impact assessment, the types of applications requiring such an impact assessment and the documentation required to be submitted to the Department.

##### Professional Services:

The regulations require a health equity impact assessment to be performed by an independent entity without a conflict of interest.

##### Compliance Costs:

The proposed regulation will require a health equity impact assessment to be completed with the submission of certain applications and will therefore require local governments and small businesses operating health care facilities regulated under Article 28 of the PHL to pay for such an assessment to be performed. Facilities are required to utilize an independent entity without a conflict of interest to complete the health equity impact assessment. The projected costs associated with performing such an assessment are not easily identifiable, as they will vary greatly depending on the size, scope and complexity of a facility's proposed project. However, the Department anticipates these costs could range anywhere from \$500 to upwards of \$30,000. These costs are unavoidable in the regulations, as PHL § 2802-b requires health equity impact assessments to be performed by independent entities.

##### Economic and Technological Feasibility:

This proposal is economically and technically feasible, as it does not require any special technology and does not impose an unreasonable financial burden on anyone.

##### Minimizing Adverse Impact:

Minimal flexibility exists to minimize impact since these new requirements are statutory and apply to all Article 28 of the PHL health care facility operators.

##### Small Business and Local Government Participation:

The Department has taken steps to notify stakeholders about the effects of this regulation and has provided the opportunity for them to comment on the proposed regulations. In addition, the regulation will be presented to PHHPC on March 30, 2023, where there will be an opportunity for public comment prior to being published in the State Register and subject to a 60-day public comment period.

#### Rural Area Flexibility Analysis

##### Types and Estimated Numbers of Rural Areas:

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

The following 44 counties have an estimated population of less than 200,000 based upon the 2020 United States Census:

Allegany County                      Greene County                      Schoharie County

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

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

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

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

Pursuant to Public Health Law (PHL) § 2802-b, health care facilities regulated under Article 28 of the PHL will be required to have a health equity impact assessment performed by an independent entity when submitting certain applications to the Department for approval by the Public Health and Health Planning Council (PHHPC) or the Commissioner of Health (Commissioner).

Costs:

Per SAPA § 202-bb(3)(c), it is not anticipated that there will be any significant variation in cost for different types of public and private entities in rural areas.

Economic and Technological Feasibility:

This proposal is economically and technically feasible, as it does not require any special technology and does not impose an unreasonable financial burden in rural areas.

Minimizing Adverse Impact:

Minimal flexibility exists to minimize impact since these new requirements are statutory and apply to all Article 28 of the PHL health care facility operators.

Rural Area Participation:

The Department has taken steps to notify stakeholders on the effects of this regulation and has provided the opportunity for them to comment on the proposed regulations. In addition, the regulation will be presented to PHHPC on March 30, 2023, where there will be an opportunity for public comment prior to being published in the State Register and subject to a 60-day public comment period.

**Job Impact Statement**

A Job Impact Statement for these proposed regulations is not being submitted because it is apparent from the nature and purposes of the amendments that they will not have a substantial adverse impact on jobs or employment opportunities.

**Division of Housing and Community Renewal**

**NOTICE OF ADOPTION**

**Amendments to Regulations of the Affordable Home Ownership Development Program**

**I.D. No.** HCR-01-23-00002-A

**Filing No.** 260

**Filing Date:** 2023-03-28

**Effective Date:** 2023-04-12

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

**Action taken:** Amendment of Parts 2162 and 2163 of Title 21 NYCRR.

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

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

**Purpose:** Comport with above cited statutory amendments.

**Text or summary was published** in the January 4, 2023 issue of the Register, I.D. No. HCR-01-23-00002-P.

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

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

**Assessment of Public Comment**

The agency received no public comment.

**Power Authority of the State of New York**

**NOTICE OF ADOPTION**

**Rates for the Sale of Power and Energy**

**I.D. No.** PAS-03-23-00005-A

**Filing Date:** 2023-03-28

**Effective Date:** 2023-03-28

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

**Action taken:** Increase in Retail Rates for the Village of Tupper Lake.

**Statutory authority:** Public Authorities Law, section 1005

**Subject:** Rates for the Sale of Power and Energy.

**Purpose:** To maintain the system's integrity. This increase in rates is not the result of an Authority rate increase to the village.

**Text or summary was published** in the January 18, 2023 issue of the Register, I.D. No. PAS-03-23-00005-P.

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

**Text of rule and any required statements and analyses may be obtained from:** Karen Delince, Corporate Secretary, Power Authority of the State of New York, 123 Main Street, White Plains, New York 10601, (914) 390-8085, email: secretarys.office@nypa.gov

**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.

## Public Service Commission

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

#### Community Choice Aggregation

**I.D. No.** PSC-15-23-00002-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 Mid-Hudson Energy Transition, Inc. seeking to operate as a Community Choice Aggregation Administrator in New York State.

**Statutory authority:** Public Service Law, sections 5(1), (2), 53, 65(1), 66(1), (2) and (3)

**Subject:** Community Choice Aggregation.

**Purpose:** To determine if Mid-Hudson Energy Transition Inc. should operate as a Community Choice Aggregation Administrator.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on February 27, 2023 by Mid-Hudson Energy Transition, Inc. (MHET) seeking to operate as a Community Choice Aggregation (CCA) Administrator in New York State (Petition). Included as part of the Petition is a proposed Master Implementation Plan detailing MHET's proposed CCA program. At the onset of the proposed program, MHET seeks approval as a CCA Administrator in order to implement a CCA program in the City of Kingston.

The Petition describes MHET as a New York domestic not-for-profit corporation and tax-exempt charitable organization under the Internal Revenue Code, Section 501(c)(3). Founded in 2021, the Petition continues, MHET's purpose is to empower communities within the Mid-Hudson region of the State to transition to a clean energy economy that prioritizes renewable energy resources, clean distributed energy resources and energy efficiency, and to minimize greenhouse gas emissions and air pollutants while enhancing opportunities for local job creation and economic development for a more resilient and energy secure society. MHET asserts that it will ensure compliance with all Commission rules regarding CCA programs in New York, as well as all applicable State, Local, and Federal regulations.

MHET, if approved as a CCA Administrator, would be permitted to work with local municipalities and enroll customers in a competitive supply product on an opt-out basis. Additionally, MHET intends to offer a suite of opt-in programs that hasten the adoption of energy efficiency and decarbonization of buildings and transportation. Specifically, utilizing its CCA Technology Platform, MHET proposes to offer a 100% renewable supply product, Community Distributed Generation on an opt-out basis, and other distributed energy resources (DERs) on an opt-in basis. MHET explains that the goals of its program are to contribute toward State and local clean energy goals; capture the economic benefits of clean energy for CCA members; empower communities to be more involved in their energy future; promote equity by increasing access to clean energy by all consumers, including low-income customers; and ensure transparent and consumer protections for all CCA members.

Regarding the 100% renewable supply product, MHET proposes to back such product with New York sourced renewable energy certificates (RECs). While MHET proposes to offer this product as the default product for enrollment in its CCA program, individual members would be allowed to switch to a standard, non-renewable, supply mix if they choose. Regarding opt-out CDG, MHET acknowledges that the Commission is still considering adoption of an opt-out CDG program and intends to amend its Master Implementation Plan to accommodate the Commission rules on opt-out CDG, if adopted. With respect to additional opt-in DER offerings, MHET explains that its Technology Platform allows for separate contracts and billing for the account holder or customers who choose, or opt-in to receive DER services such as distributed solar, microhydropower, renewable waste-to-energy, energy storage, energy efficiency, and demand management tools, clean heating and cooling technologies, smart home products,

demand side management programs, micro-grid projects, community thermal, combined heat and power, district energy systems, electric vehicles (cars, bikes, scooters), and electric vehicle charging infrastructure.

MHET describes its Technology Platform as a program management and customer engagement platform that provides functionality needed to support MHET's innovative clean energy programs. This platform, MHET continues, allows it to support a wide variety of clean energy products and services, and is highly customizable, secure, and can scale as the CCA portfolio scales. Members of the proposed CCA program would be provided a fully interactive personal dashboard where users can view the current status of their CCA participation, their monthly and cumulative savings, and their positive environmental impact. MHET further asserts that the Technology Platform is secure and details the security measures in place to ensure information security.

MHET asserts that community engagement, education, and feedback will be a priority throughout the program. It proposes a comprehensive marketing strategy that includes: partnerships with local business, agencies, and community groups; information posted on its website; print and/or online materials suitable for distribution over email, on municipal website, or in-person; in-person and virtual information sessions; social media posts; earned media posts; direct mailings; paid advertisements; and operation of dedicated help center. MHET proposes to serve as a single point of contact to address service-related questions and concerns, with clear access on MHET's and the CCA programs' websites, a local physical office with hours open to the public, and a telephone support line with live support during extended business hours.

MHET proposes to hold competitive auctions open to a wide variety of qualified suppliers with the results and analysis of the solicitation be presented to officials in the participating municipalities for a decision regarding which product, if any, is in the best interest of the community. Those products would be awarded and contracts executed. MHET goes on to explain how its proposed program is consistent with existing CCA program requirements, particularly the process followed to implement a program in a specific municipality.

Further, MHET attests that it will comply with all Commission reporting requirements currently in place, and as may be modified in future CCA rules. MHET commits to providing an update implementation plan at least 120 days prior to the expiration of executed supply contract(s) describing participating municipalities' intentions with regards to the termination, continuation, or modification of the program. In the event the CCA program is ended, the selected supplier would return customers back to utility supply service in the billing cycle immediately following contract expiration. Finally, MHET explains that selected suppliers and/or DER providers will be responsible for remitting administrative fees to the Administrator, and charges on the utility bills of customers must be inclusive of administrative fees. Moreover, no additional funding or budget allocation would be necessary to support the implementation and development activities described in the Petition's implementation plan, according to MHET, and all administrative fees will be plainly and transparently communicated in all relevant agreements and program documents.

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](http://www.dps.ny.gov). The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve other related matters.

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

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

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

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



(14-M-0224SP24)

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

**National Grid's Billing Loading Factors****I.D. No.** PSC-15-23-00003-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 Niagara Mohawk Power Corporation d/b/a National Grid requesting to modify the billing loading factor adjustment frequency from semi-annual to quarterly adjustments.

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

**Subject:** National Grid's billing loading factors.

**Purpose:** To ensure National Grid's billing loading factor adjustment frequency is reasonable.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid (the Company or Niagara Mohawk) on March 2, 2023, for a modification to the billing loading factor requirements established in Appendix 16, Section 2.5 of the terms of the Joint Proposal adopted by the Commission in Cases 20-E-0380 and 20-G-0381 (the Joint Proposal). The proposed modification to the Joint Proposal is to allow for quarterly adjustments to its billing loading factors instead of the current semi-annual adjustments.

The relevant provision of the Joint Proposal limits the number of times Niagara Mohawk may adjust its third-party job order billing loading factors to no more than twice a year, in April and September. The provision further requires Niagara Mohawk to include any adjustment necessary to reconcile the loading factors used during the prior period to actual amounts in the April adjustment. In its petition, the Company proposes to utilize a new automated accounting process to modify its billing loading factor frequency from a semi-annual to a quarterly basis. The Company states that increasing the frequency of adjustments improves capital/project forecasting and budgeting, ensures accuracy, and allows for internal efficiencies in automating a currently manual process, to the benefit of the Company and its customers.

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](http://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](mailto: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](mailto:secretary@dps.ny.gov)

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

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

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

(20-E-0380SP4)

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

**Waiver of the Timing Requirement in the Commission's Policy on Test Years in Rate Cases****I.D. No.** PSC-15-23-00004-P

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

**Proposed Action:** The Commission is considering the petition of Veolia

Water New York, Inc. for a waiver of the Commission's policy requiring a rate case be filed no more than 150 days after the end of the test year.

**Statutory authority:** Public Service Law, sections 5 and 89-c

**Subject:** Waiver of the timing requirement in the Commission's policy on test years in rate cases.

**Purpose:** To determine whether waiver of the Commission's 150 day requirement for test years is in the public interest.

**Substance of proposed rule:** The Public Service Commission is considering the petition of Veolia Water New York, Inc. (the Company) filed on March 2, 2023, for a waiver of the Commission's policy in its Statement of Policy on Test Periods in Major Rate Proceedings, issued November 23, 1977, requiring that all major rate cases be filed no more than 150 days after the end of the utility's test year (150-Day Rule).

On March 2, 2023, the Company filed a request to modify the delivery rates for its two rate districts designed to produce an annual base revenue increase of approximately \$18.4 million in the New York District and \$14.1 million in the Westchester District. The filing consisted of a filing letter, tariff amendments, and supporting pre-filed testimony and exhibits. Appendix B to the filing letter is a petition seeking waiver of the 150 Day Rule. The Company's test year is the twelve months ended September 30, 2022; thus, the test year ended 153 days prior to the Company's filing of the rate proceeding. The Petition states that the Company needed the additional three days to prepare its rate filing was necessary due to complexities involving the cost-of-service study and rate design. Further, the Petition states that no parties to the rate proceeding will be prejudiced by the waiver as the test year remains fully representative and will not have become stale in any meaningful fashion.

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](http://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](mailto: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](mailto: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-W-0111SP1)

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

**Petition for Waiver of the Requirements of Opinion No. 76-17 and 16 NYCRR Part 96 Regarding Individual Metering of Living Units****I.D. No.** PSC-15-23-00005-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 Johnson Park Green Living, LLC for a waiver of the individual metering requirements contained in Opinion No. 76-17 and 16 NYCRR Part 96 at Johnson Park Green Community Apartments, Utica, NY.

**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 for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.

**Purpose:** To consider providing master-metered electricity to residents on a rent included basis.

**Substance of proposed rule:** The Commission is considering the petition, filed by Johnson Park Green Living, LLC, on December 22, 2022, to master meter three buildings to be constructed at Johnson Park Green

Community Apartments, located at or in the vicinity of 1300 West Street, 200 Square Street, and 14 Johnson Square, Utica, NY. The petitioner seeks a Commission order waiving the individual metering requirements in Opinion 76-17 and 16 NYCRR Part 96.

The residences will contain supportive housing units for individuals that are homeless, elderly, have emotional or mental disabilities, and persons in various and in various stages of recovery from substance abuse.

By seeking authority to not submeter the individual living units. Johnson Park Green Living, LLC requests authorization to take electric service from Niagara Mohawk Power Corporation (National Grid), and unmetered electricity would be provided to tenants.

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](http://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](mailto: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](mailto: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-0712SP1)

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

| Agency I.D. No.                                  | Subject Matter  | Location—Date—Time   |
|--|---|--|
| <b>Education Department</b>                      |   |  |
| EDU-09-23-00031-P .....                          | Special Education Due Process Hearings  | <p>Via Zoom—May 1, 2023, 11:30 a.m.<br/>                     Link: <a href="https://us06web.zoom.us/j/84161631017?pwd=ajk0NlloeTBOR1BSc1g0ZDRmelBZZz09">https://us06web.zoom.us/j/84161631017?pwd=ajk0NlloeTBOR1BSc1g0ZDRmelBZZz09</a><br/>                     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.<br/>                     Link: <a href="https://us06web.zoom.us/j/87150443913?pwd=aDdGU2JPZWNXa1J2aU5BYWlGLzBodz09">https://us06web.zoom.us/j/87150443913?pwd=aDdGU2JPZWNXa1J2aU5BYWlGLzBodz09</a><br/>                     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> |
| <b>Environmental Conservation, Department of</b> |   |  |
| ENV-15-23-00006-P .....                          | Class SA, SB, SC and I Saline Waters of the State                             | <p>Department of Environmental Conservation, Region 2, Long Island City—June 13, 2023, 2:00 p.m.</p> <p>Virtual via WebEx—June 15, 2023, 2:00 p.m.</p>   |
| <b>Health, Department of</b>                     |   |  |
| 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>  |
| <b>Public Service Commission</b>                 |   |  |
| 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 (<a href="http://www.dps.ny.gov">www.dps.ny.gov</a>) under Case No. 22-S-0659.</p>  |
| <b>State, Department of</b>                      |   |  |
| 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 |
|-------------|--------------|----------------|---------------|-------------|
| <b>AAM</b>  | <b>01</b>    | <b>12</b>      | <b>0001</b>   | <b>P</b>    |

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  |
|--|----------|-------------------------------|--|
| <b>CHILDREN AND FAMILY SERVICES, OFFICE OF</b> |          |                               |  |
| 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             |
| <b>CIVIL SERVICE, DEPARTMENT OF</b>            |          |                               |  |
| 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   |
|-------------------------------------|----------|-------------------------------|---|
| <b>CIVIL SERVICE, DEPARTMENT OF</b> |          |                               |   |
| 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   |

**Action Pending Index**

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| Agency I.D. No.                     | Expires  | Subject Matter                       | Purpose of Action  |
|-------------------------------------|----------|--------------------------------------|--|
| <b>CIVIL SERVICE, DEPARTMENT OF</b> |          |                                      |  |
| 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   |
|--|----------|--|---|
| <b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b> |          |  |   |
| EDV-42-22-00001-P                          | 10/19/23 | Excelsior Jobs Program   | To update the additional administrative process of this tax credit program  |
| <b>EDUCATION DEPARTMENT</b>                |          |  |   |
| 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   |
|--|----------|---|---|
| <b>EDUCATION DEPARTMENT</b>                      |          |   |   |
| 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.   |
| <b>ELECTIONS, STATE BOARD OF</b>                 |          |   |   |
| 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.  |
| <b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b> |          |   |   |
| *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  |
|---|----------|---|--|
| <b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>        |          |   |  |
| 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.   |
| ENV-15-23-00006-P                                       | 06/14/24 | Class SA, SB, SC and I saline waters of the State.  | Amend the water quality standards protective of shellfishing and recreation in the State's saline waters.  |
| <b>ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON</b> |          |   |  |
| 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-15-23-00007-EP                                      | 04/11/24 | Publicly available information and documents and records access requests.                                     | Provides clarity and guidance on the process for requesting and accessing information, documents and records of the Commission.  |
| <b>FINANCIAL SERVICES, DEPARTMENT OF</b>                |          |   |  |
| *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   |

| Agency I.D. No.                                 | Expires  | Subject Matter   | Purpose of Action  |
|---|----------|--|--|
| <b>FINANCIAL SERVICES, DEPARTMENT OF</b>        |          |  |  |
| 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.  |
| <b>GAMING COMMISSION, NEW YORK STATE</b>        |          |  |  |
| 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.   |
| <b>GAMING FACILITY LOCATION BOARD, NEW YORK</b> |          |  |  |
| 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  |
| <b>HEALTH, DEPARTMENT OF</b>                    |          |  |  |
| *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          |

| Agency I.D. No.                                   | Expires  | Subject Matter  | Purpose of Action  |
|---|----------|---|--|
| <b>HEALTH, DEPARTMENT OF</b>                      |          |   |  |
| 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.                              |
| 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. |
| HLT-15-23-00008-P                                 | 04/11/24 | Inclusion of a Health Equity Impact Assessment as Part of the Certificate of Need Process                             | To ensure community members and stakeholders are meaningfully engaged and considered in proposed facility projects               |
| <b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b> |          |   |  |
| 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.                            |
| <b>LABOR, DEPARTMENT OF</b>                       |          |   |  |
| 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                                    |
| <b>LAW, DEPARTMENT OF</b>                         |          |   |  |
| 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.       |



| Agency I.D. No.                    | Expires  | Subject Matter  | Purpose of Action  |
|------------------------------------|----------|---|--|
| <b>LAW, DEPARTMENT OF</b>          |          |   |  |
| 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.       |
| 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.       |
| <b>LONG ISLAND POWER AUTHORITY</b> |          |   |  |
| *LPA-08-01-00003-P                 | exempt   | Pole attachments and related matters  | To approve revisions to the authority's tariff   |
| *LPA-41-02-00005-P                 | exempt   | Tariff for electric service   | To revise the tariff for electric service  |
| *LPA-04-06-00007-P                 | exempt   | Tariff for electric service   | To adopt provisions of a ratepayer protection plan   |
| *LPA-03-10-00004-P                 | exempt   | Residential late payment charges  | To extend the application of late payment charges to residential customers   |
| *LPA-15-18-00013-P                 | exempt   | Outdoor area lighting   | To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting                                    |
| *LPA-37-18-00013-P                 | exempt   | The net energy metering provisions of the Authority's Tariff for Electric Service                                       | To implement PSC guidance increasing eligibility for value stack compensation to larger projects                                 |
| *LPA-37-18-00017-P                 | exempt   | The treatment of electric vehicle charging in the Authority's Tariff for Electric Service                               | To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment                     |
| *LPA-37-18-00018-P                 | exempt   | The treatment of energy storage in the Authority's Tariff for Electric Service  | To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap                         |
| *LPA-09-20-00010-P                 | exempt   | To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory | To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets              |
| *LPA-28-20-00033-EP                | exempt   | LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment                          | To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts |
| *LPA-37-20-00013-EP                | exempt   | The terms of deferred payment agreements available to LIPA's commercial customers                                       | To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers                      |
| *LPA-12-21-00011-P                 | exempt   | LIPA's Long Island Choice (retail choice) tariff  | To simplify and improve Long Island Choice based on stakeholder collaborative input  |



| Agency I.D. No.                           | Expires        | Subject Matter   | Purpose of Action   |
|---|----------------|--|---|
| <b>LONG ISLAND POWER AUTHORITY</b>        |                |  |   |
| LPA-17-22-00012-P                         | ..... exempt   | COVID-19 arrears forgiveness and low-income customer discount eligibility  | To implement an arrears forgiveness program and expand low-income customer discount eligibility                                 |
| LPA-17-22-00014-P                         | ..... exempt   | LIPA's delivery service adjustment cost recovery rider   | To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers       |
| LPA-51-22-00007-P                         | ..... exempt   | Time of Day rates for residential customers.   | To give customers bill savings opportunities, lower system costs, and support New York's clean energy transition.               |
| <b>LONG ISLAND RAILROAD COMPANY</b>       |                |  |   |
| 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     |
| <b>MENTAL HEALTH, OFFICE OF</b>           |                |  |   |
| OMH-46-22-00012-P                         | ..... 11/16/23 | Administrative Compensation  | To Repeal Part 513 as Executive Order 38 has sunset   |
| <b>METRO-NORTH COMMUTER RAILROAD</b>      |                |  |   |
| 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     |
| <b>METROPOLITAN TRANSPORTATION AGENCY</b> |                |  |   |
| 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     |
| <b>NEW YORK CITY TRANSIT AUTHORITY</b>    |                |  |   |
| 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     |
| <b>NIAGARA FALLS WATER BOARD</b>          |                |  |   |
| *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   |

| Agency I.D. No.   | Expires        | Subject Matter  | Purpose of Action  |
|---|----------------|---|--|
| <b>NIAGARA FALLS WATER BOARD</b>                          |                |   |  |
| 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.  |
| <b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>               |                |   |  |
| *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 |
| <b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b> |                |   |  |
| 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  |
| <b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>           |                |   |  |
| *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-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        |
| <b>PUBLIC SERVICE COMMISSION</b>                          |                |   |  |
| *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  |

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-31-04-00023-P               | ..... exempt | Distributed generation service by Consolidated Edison Company of New York, Inc.  | To provide an application form   |
| *PSC-34-04-00031-P               | ..... exempt | Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.   | To set appropriate level of permanent rates  |
| *PSC-35-04-00017-P               | ..... exempt | Application form for distributed generation by Orange and Rockland Utilities, Inc.   | To establish a new supplementary application form for customers  |
| *PSC-43-04-00016-P               | ..... exempt | Accounts receivable by Rochester Gas and Electric Corporation  | To include in its tariff provisions for the purchase of ESCO accounts receivable                       |
| *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   |

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-17-07-00008-P               | ..... exempt | Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.   | To amend the agreement   |
| *PSC-18-07-00010-P               | ..... exempt | Existing electric generating stations by Independent Power Producers of New York, Inc.  | To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation   |
| *PSC-20-07-00016-P               | ..... exempt | Tariff revisions and making rates permanent by New York State Electric & Gas Corporation  | To seek rehearing  |
| *PSC-21-07-00007-P               | ..... exempt | Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation  | To revise the rates, charges, rules and regulations for gas service  |
| *PSC-22-07-00015-P               | ..... exempt | Demand Side Management Program by Consolidated Edison Company of New York, Inc.   | To recover incremental program costs and lost revenue  |
| *PSC-23-07-00022-P               | ..... exempt | Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation                         | To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity |
| *PSC-24-07-00012-P               | ..... exempt | Gas Efficiency Program by the City of New York  | To consider rehearing a decision establishing a Gas Efficiency Program   |
| *PSC-39-07-00017-P               | ..... exempt | Gas bill issuance charge by New York State Electric & Gas Corporation   | To create a gas bill issuance charge unbundled from delivery rates   |
| *PSC-41-07-00009-P               | ..... exempt | Submetering of electricity rehearing  | To seek reversal   |
| *PSC-42-07-00012-P               | ..... exempt | Energy efficiency program by Orange and Rockland Utilities, Inc.  | To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service   |
| *PSC-42-07-00013-P               | ..... exempt | Revenue decoupling by Orange and Rockland Utilities, Inc.   | To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.   |
| *PSC-45-07-00005-P               | ..... exempt | Customer incentive programs by Orange and Rockland Utilities, Inc.  | To establish a tariff provision  |
| *PSC-02-08-00006-P               | ..... exempt | Additional central office codes in the 315 area code region   | To consider options for making additional codes  |
| *PSC-03-08-00006-P               | ..... exempt | Rehearing of the accounting determinations  | To grant or deny a petition for rehearing of the accounting determinations   |
| *PSC-04-08-00010-P               | ..... exempt | Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation                                      | To grant easement rights to Millennium Pipeline Company, L.L.C.  |
| *PSC-04-08-00012-P               | ..... exempt | Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs | To consider modifying the commission's regulation over marketing practices of energy service companies   |
| *PSC-08-08-00016-P               | ..... exempt | Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.  | To consider the transfer   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-12-08-00019-P               | ..... exempt | Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation                                      | To consider the request   |
| *PSC-12-08-00021-P               | ..... exempt | Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation   | To consider the request   |
| *PSC-13-08-00011-P               | ..... exempt | Waiver of commission policy and NYSEG tariff by Turner Engineering, PC  | To grant or deny Turner's petition  |
| *PSC-13-08-00012-P               | ..... exempt | Voltage drops by New York State Electric & Gas Corporation  | To grant or deny the petition   |
| *PSC-23-08-00008-P               | ..... exempt | Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project | To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project |
| *PSC-25-08-00007-P               | ..... exempt | Policies and procedures regarding the selection of regulatory proposals to meet reliability needs                                       | To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs  |
| *PSC-25-08-00008-P               | ..... exempt | Report on Callable Load Opportunities   | Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years   |
| *PSC-28-08-00004-P               | ..... exempt | Con Edison's procedure for providing customers access to their account information  | To consider Con Edison's implementation plan and timetable for providing customers access to their account information  |
| *PSC-31-08-00025-P               | ..... exempt | Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)   | To authorize recovery of the DRS costs from the CMR   |
| *PSC-32-08-00009-P               | ..... exempt | The ESCO referral program for KEDNY to be implemented by October 1, 2008  | To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program  |
| *PSC-33-08-00008-P               | ..... exempt | Noble Allegany's request for lightened regulation   | To consider Noble Allegany's request for lightened regulation as an electric corporation  |
| *PSC-36-08-00019-P               | ..... exempt | Land Transfer in the Borough of Manhattan, New York   | To consider petition for transfer of real property to NYPH  |
| *PSC-39-08-00010-P               | ..... exempt | RG&E's economic development plan and tariffs  | Consideration of the approval of RG&E's economic development plan and tariffs   |
| *PSC-40-08-00010-P               | ..... exempt | Loans from regulated company to its parent  | To determine if the cash management program resulting in loans to the parent should be approved   |
| *PSC-41-08-00009-P               | ..... exempt | Transfer of control of cable TV franchise   | To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved   |
| *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  |



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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-46-08-00008-P               | ..... exempt | Property transfer in the Village of Avon, New York  | To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York          |
| *PSC-46-08-00010-P               | ..... exempt | A transfer of indirect ownership interests in nuclear generation facilities                                     | Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities                    |
| *PSC-46-08-00014-P               | ..... exempt | The attachment of cellular antennae to an electric transmission tower   | To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower       |
| *PSC-48-08-00005-P               | ..... exempt | A National Grid high efficiency gas heating equipment rebate program  | To expand eligibility to customers converting from oil to natural gas   |
| *PSC-48-08-00008-P               | ..... exempt | Petition for the master metering and submetering of electricity   | To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York |
| *PSC-48-08-00009-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York     |
| *PSC-50-08-00018-P               | ..... exempt | Market Supply Charge  | A study on the implementation of a revised Market Supply Charge   |
| *PSC-51-08-00006-P               | ..... exempt | Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458                       | To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458                           |
| *PSC-51-08-00007-P               | ..... exempt | Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078                                 | To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078  |
| *PSC-53-08-00011-P               | ..... exempt | Use of deferred Rural Telephone Bank funds  | To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds        |
| *PSC-53-08-00012-P               | ..... exempt | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY                    | Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY                                |
| *PSC-53-08-00013-P               | ..... exempt | To transfer common stock and ownership  | To consider transfer of common stock and ownership  |
| *PSC-01-09-00015-P               | ..... exempt | FCC decision to redefine service area of Citizens/Frontier  | Review and consider FCC proposed redefinition of Citizens/Frontier service area   |
| *PSC-02-09-00010-P               | ..... exempt | Competitive classification of independent local exchange company, and regulatory relief appropriate thereto     | To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2      |
| *PSC-05-09-00008-P               | ..... exempt | Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues                  | To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing                 |
| *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        |



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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-06-09-00007-P               | ..... exempt | Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access    | To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.                             |
| *PSC-07-09-00015-P               | ..... exempt | Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property        | To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets              |
| *PSC-07-09-00017-P               | ..... exempt | Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm          | To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm               |
| *PSC-07-09-00018-P               | ..... exempt | Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY | To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York                        |
| *PSC-12-09-00010-P               | ..... exempt | Charges for commodity   | To charge customers for commodity costs   |
| *PSC-12-09-00012-P               | ..... exempt | Charges for commodity   | To charge customers for commodity costs   |
| *PSC-13-09-00008-P               | ..... exempt | Options for making additional central office codes available in the 718/347 numbering plan area                                 | To consider options for making additional central office codes available in the 718/347 numbering plan area                     |
| *PSC-14-09-00014-P               | ..... exempt | The regulation of revenue requirements for municipal utilities by the Public Service Commission                                 | To determine whether the regulation of revenue requirements for municipal utilities should be modified                          |
| *PSC-16-09-00010-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York |
| *PSC-16-09-00020-P               | ..... exempt | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity        | Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity        |
| *PSC-17-09-00010-P               | ..... exempt | Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts              | To permit electric utilities in New York State to use the Elster REX2   |
| *PSC-17-09-00011-P               | ..... exempt | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes         | Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes         |
| *PSC-17-09-00012-P               | ..... exempt | Petition for the submetering of gas at commercial property  | To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY |
| *PSC-17-09-00014-P               | ..... exempt | Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff  | To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff                                      |
| *PSC-17-09-00015-P               | ..... exempt | The construction of a tower for wireless antennas on land owned by National Grid  | To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga                        |
| *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 |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-18-09-00013-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York |
| *PSC-18-09-00017-P               | ..... exempt | Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers  | To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower    |
| *PSC-20-09-00016-P               | ..... exempt | The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc     | To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc    |
| *PSC-20-09-00017-P               | ..... exempt | The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program  | To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program         |
| *PSC-22-09-00011-P               | ..... exempt | Cost allocation for Consolidated Edison's East River Repowering Project   | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project  |
| *PSC-25-09-00005-P               | ..... exempt | Whether to grant, deny, or modify, in whole or in part, the petition  | Whether to grant, deny, or modify, in whole or in part, the petition  |
| *PSC-25-09-00006-P               | ..... exempt | Electric utility implementation plans for proposed web based SIR application process and project status database                | To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation               |
| *PSC-25-09-00007-P               | ..... exempt | Electric rates for Consolidated Edison Company of New York, Inc   | Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc                                       |
| *PSC-27-09-00011-P               | ..... exempt | Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access   | To review the terms and conditions of the negotiated agreement between Vernon and TW Telecom of New York L.P.                 |
| *PSC-27-09-00014-P               | ..... exempt | Billing and payment for energy efficiency measures through utility bill   | To promote energy conservation  |
| *PSC-27-09-00015-P               | ..... exempt | Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access | To review the terms and conditions of the negotiated agreement between Oriskany and TW Telecom of New York L.P.               |
| *PSC-29-09-00011-P               | ..... exempt | Consideration of utility compliance filings   | Consideration of utility compliance filings   |
| *PSC-32-09-00009-P               | ..... exempt | Cost allocation for Consolidated Edison's East River Repowering Project   | To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project  |
| *PSC-34-09-00016-P               | ..... exempt | Recommendations made in the Management Audit Final Report   | To consider whether to take action or recommendations contained in the Management Audit Final Report                          |
| *PSC-34-09-00017-P               | ..... exempt | To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC     | To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC                        |
| *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                     |

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

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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-40-10-00021-P               | ..... exempt | Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall               | To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall                               |
| *PSC-41-10-00018-P               | ..... exempt | Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter   | Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers |
| *PSC-41-10-00022-P               | ..... exempt | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY                      | Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY                              |
| *PSC-42-10-00011-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York                        |
| *PSC-43-10-00016-P               | ..... exempt | Utility Access to Ducts, Conduit Facilities and Utility Poles   | To review the complaint from Optical Communications Group   |
| *PSC-44-10-00003-P               | ..... exempt | Third and fourth stage gas rate increase by Corning Natural Gas Corporation   | To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase                            |
| *PSC-51-10-00018-P               | ..... exempt | Commission proceeding concerning three-phase electric service by all major electric utilities                           | Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities          |
| *PSC-11-11-00003-P               | ..... exempt | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service | The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service         |
| *PSC-13-11-00005-P               | ..... exempt | Exclude the minimum monthly bill component from the earnings test calculation   | Exclude the minimum monthly bill component from the earnings test calculation   |
| *PSC-14-11-00009-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York              |
| *PSC-19-11-00007-P               | ..... exempt | Utility price reporting requirements related to the Commission's "Power to Choose" website                              | Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website        |
| *PSC-20-11-00012-P               | ..... exempt | Petition for the submetering of electricity   | To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York                         |
| *PSC-20-11-00013-P               | ..... exempt | Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges            | To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable                   |
| *PSC-22-11-00004-P               | ..... exempt | Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications                           | To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter   |
| *PSC-26-11-00007-P               | ..... exempt | Water rates and charges   | To approve an increase in annual revenues by about \$25,266 or 50%  |
| *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     |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-26-11-00012-P               | ..... exempt | Waiver of generation retirement notice requirements  | Consideration of waiver of generation retirement notice requirements  |
| *PSC-29-11-00011-P               | ..... exempt | Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order    | To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing     |
| *PSC-35-11-00011-P               | ..... exempt | Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8  | Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters                 |
| *PSC-36-11-00006-P               | ..... exempt | To consider expanding mobile stray voltage testing requirements  | Adopt additional mobile stray voltage testing requirements  |
| *PSC-38-11-00002-P               | ..... exempt | Operation and maintenance procedures pertaining to steam trap caps   | Adopt modified steam operation and maintenance procedures   |
| *PSC-38-11-00003-P               | ..... exempt | Waiver of certain provisions of the electric service tariffs of Con Edison   | Consideration of waiver of certain provisions of the electric service tariffs of Con Edison                                     |
| *PSC-40-11-00010-P               | ..... exempt | Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)                                  | Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE                           |
| *PSC-40-11-00012-P               | ..... exempt | Granting of transfer of plant in-service to a regulatory asset   | To approve transfer and recovery of unamortized plant investment  |
| *PSC-42-11-00018-P               | ..... exempt | Availability of telecommunications services in New York State at just and reasonable rates                                     | Providing funding support to help ensure availability of affordable telecommunications service throughout New York              |
| *PSC-43-11-00012-P               | ..... exempt | Transfer of outstanding shares of stock  | Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC                |
| *PSC-47-11-00007-P               | ..... exempt | Remedying miscalculations of delivered gas as between two customer classes   | Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations   |
| *PSC-48-11-00007-P               | ..... exempt | Transfer of controlling interests in generation facilities from Dynegy to PSEG   | Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG                    |
| *PSC-48-11-00008-P               | ..... exempt | Petition for the submetering of electricity  | To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York                |
| *PSC-01-12-00007-P               | ..... exempt | The New York State Reliability Council's revisions to its rules and measurements   | To adopt revisions to various rules and measurements of the New York State Reliability Council                                  |
| *PSC-01-12-00008-P               | ..... exempt | Transfer of real property and easements from NMPNS to NMP3   | Consideration of the transfer of real property and easements from NMPNS to NMP3   |
| *PSC-01-12-00009-P               | ..... exempt | Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove                                 | To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered |
| *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  |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-11-12-00005-P               | ..... exempt | Transfer of land and water supply assets  | Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman                                   |
| *PSC-13-12-00005-P               | ..... exempt | Authorization to transfer certain real property   | To decide whether to approve the transfer of certain real property  |
| *PSC-19-12-00023-P               | ..... exempt | Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000               | To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.  |
| *PSC-21-12-00006-P               | ..... exempt | Tariff filing requirements and refunds  | To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted            |
| *PSC-21-12-00011-P               | ..... exempt | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47                        | Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47                        |
| *PSC-23-12-00007-P               | ..... exempt | The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility              | To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility  |
| *PSC-23-12-00009-P               | ..... exempt | Over earnings sharing between rate payers and shareholders  | To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan                      |
| *PSC-27-12-00012-P               | ..... exempt | Implementation of recommendations made in a Management Audit Report   | To consider implementation of recommendations made in a Management Audit Report   |
| *PSC-28-12-00013-P               | ..... exempt | Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism                   | Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics             |
| *PSC-29-12-00019-P               | ..... exempt | Waiver of 16 NYCRR 894.1 through 894.4  | To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process           |
| *PSC-30-12-00010-P               | ..... exempt | Waiver of 16 NYCRR 894.1 through 894.4  | To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process            |
| *PSC-33-12-00009-P               | ..... exempt | Telecommunications companies ability to attach to utility company poles   | Consideration of Tech Valley's ability to attach to Central Hudson poles  |
| *PSC-37-12-00009-P               | ..... exempt | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers                           | Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers                           |
| *PSC-42-12-00009-P               | ..... exempt | Regulation of Gipsy Trail Club, Inc.'s long-term financing agreements   | To exempt Gipsy Trail Club, Inc. from Commission regulation of its financing agreements                                       |
| *PSC-45-12-00008-P               | ..... exempt | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff         | Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff         |
| *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 |



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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-25-13-00009-P               | ..... exempt | Provision by utilities of natural gas main and service lines  | To help ensure efficient and economic expansion of the natural gas system as appropriate                                      |
| *PSC-25-13-00012-P               | ..... exempt | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request   | To deny, grant or modify, in whole or in part, Central Hudson's rehearing request   |
| *PSC-27-13-00014-P               | ..... exempt | Columbia Gas Transmission Corporation Cost Refund   | For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund        |
| *PSC-28-13-00014-P               | ..... exempt | Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces      | To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces        |
| *PSC-28-13-00016-P               | ..... exempt | The request of NGT for lightened regulation as a gas corporation  | To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC                    |
| *PSC-28-13-00017-P               | ..... exempt | The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments         | Consider the request by TE for waiver of regulations that gas be odorized in certain lines                                    |
| *PSC-32-13-00009-P               | ..... exempt | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices                | To consider the definition of "misleading or deceptive conduct" in the Commission's Uniform Business Practices                |
| *PSC-32-13-00012-P               | ..... exempt | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion      | To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion      |
| *PSC-33-13-00027-P               | ..... exempt | Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines | Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines         |
| *PSC-33-13-00029-P               | ..... exempt | Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy                     | To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy |
| *PSC-34-13-00004-P               | ..... exempt | Escrow account and surcharge to fund extraordinary repairs  | To approve the establishment of an escrow account and surcharge   |
| *PSC-42-13-00013-P               | ..... exempt | Failure to Provide Escrow Information   | The closure of the Escrow Account   |
| *PSC-42-13-00015-P               | ..... exempt | Failure to Provide Escrow Information   | The closure of the Escrow Account   |
| *PSC-43-13-00015-P               | ..... exempt | Petition for submetering of electricity   | To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.     |
| *PSC-45-13-00021-P               | ..... exempt | Investigation into effect of bifurcation of gas and electric utility service on Long Island                                   | To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island     |
| *PSC-45-13-00022-P               | ..... exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)  | To consider a waiver of certain regulations relating to the content of an application for transmission line siting            |
| *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            |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-45-13-00024-P               | ..... exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines  | To consider a waiver of certain regulations relating to the content of an application for transmission line siting               |
| *PSC-45-13-00025-P               | ..... exempt | Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)  | To consider a waiver of certain regulations relating to the content of an application for transmission line siting               |
| *PSC-47-13-00009-P               | ..... exempt | Petition for submetering of electricity   | To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y               |
| *PSC-47-13-00012-P               | ..... exempt | Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates                  | Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates      |
| *PSC-49-13-00008-P               | ..... exempt | Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.                         | To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.         |
| *PSC-51-13-00009-P               | ..... exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing      | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates                           |
| *PSC-51-13-00010-P               | ..... exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing      | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates                           |
| *PSC-51-13-00011-P               | ..... exempt | Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing      | To ensure there is a reasonable basis for data submitted in support of a request for a change in rates                           |
| *PSC-52-13-00012-P               | ..... exempt | The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC) | To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)   |
| *PSC-52-13-00015-P               | ..... exempt | To enter into a loan agreement with the banks for up to an amount of \$94,000   | To consider allowing Knolls Water Company to enter into a long-term loan agreement   |
| *PSC-05-14-00010-P               | ..... exempt | The New York State Reliability Council's revisions to its rules and measurements  | To adopt revisions to various rules and measurements of the New York State Reliability Council                                   |
| *PSC-07-14-00008-P               | ..... exempt | Petition for submetering of electricity   | To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.  |
| *PSC-07-14-00012-P               | ..... exempt | Water rates and charges   | Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project          |
| *PSC-08-14-00015-P               | ..... exempt | Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities   | To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities |
| *PSC-10-14-00006-P               | ..... exempt | Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance                  | To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance                   |
| *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           |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-16-14-00014-P               | ..... exempt | Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties     | To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties        |
| *PSC-16-14-00015-P               | ..... exempt | Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336      | Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336 |
| *PSC-17-14-00003-P               | ..... exempt | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism                       | Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism                       |
| *PSC-17-14-00004-P               | ..... exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification                                  | To consider certain portions of petitions for rehearing, reconsideration and/or clarification                                  |
| *PSC-17-14-00007-P               | ..... exempt | To consider petitions for rehearing, reconsideration and/or clarification  | To consider petitions for rehearing, reconsideration and/or clarification  |
| *PSC-17-14-00008-P               | ..... exempt | To consider certain portions of petitions for rehearing, reconsideration and/or clarification                                  | To consider certain portions of petitions for rehearing, reconsideration and/or clarification                                  |
| *PSC-19-14-00014-P               | ..... exempt | Market Supply Charge   | To make tariff revisions to the Market Supply Charge for capacity related costs  |
| *PSC-19-14-00015-P               | ..... exempt | Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications                  | To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter   |
| *PSC-22-14-00013-P               | ..... exempt | Petition to transfer and merge systems, franchises and assets  | To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets                            |
| *PSC-23-14-00010-P               | ..... exempt | Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications | To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter                        |
| *PSC-23-14-00014-P               | ..... exempt | Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric                | Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric              |
| *PSC-24-14-00005-P               | ..... exempt | To examine LDC's performance and performance measures  | To improve gas safety performance  |
| *PSC-26-14-00013-P               | ..... exempt | Waiver of RG&E's tariffed definition of emergency generator  | To consider waiver of RG&E's tariffed definition of emergency generator  |
| *PSC-26-14-00020-P               | ..... exempt | New electric utility backup service tariffs and standards for interconnection may be adopted                                   | To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid    |
| *PSC-26-14-00021-P               | ..... exempt | Consumer protections, standards and protocols pertaining to access to customer data may be established                         | To balance the need for the information necessary to support a robust market with customer privacy concerns                    |
| *PSC-28-14-00014-P               | ..... exempt | Petition to transfer systems, franchises and assets  | To consider the Comcast and Charter transfer of systems, franchise and assets  |
| *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                        |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-30-14-00026-P               | ..... exempt | Petition for a waiver to master meter electricity   | Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive, Albany, NY                |
| *PSC-31-14-00004-P               | ..... exempt | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross                             | To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross                             |
| *PSC-32-14-00012-P               | ..... exempt | Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition  | To consider the Connect New York Coalition's petition seeking a formal investigation and hearings                               |
| *PSC-35-14-00004-P               | ..... exempt | Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY                                  | To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY                      |
| *PSC-35-14-00005-P               | ..... exempt | Whether to permit the use of the Sensus iConA electric meter  | Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter     |
| *PSC-36-14-00009-P               | ..... exempt | Modification to the Commission's Electric Safety Standards  | To consider revisions to the Commission's Electric Safety Standards   |
| *PSC-38-14-00003-P               | ..... exempt | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program                                   | Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program                                   |
| *PSC-38-14-00004-P               | ..... exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn |
| *PSC-38-14-00005-P               | ..... exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2             | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2             |
| *PSC-38-14-00007-P               | ..... exempt | Whether to expand Con Edison's low income program to include Medicaid recipients  | Whether to expand Con Edison's low income program to include Medicaid recipients  |
| *PSC-38-14-00008-P               | ..... exempt | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn | The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn |
| *PSC-38-14-00010-P               | ..... exempt | Inter-carrier telephone service quality standard and metrics and administrative changes   | To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines   |
| *PSC-38-14-00012-P               | ..... exempt | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2             | Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2             |
| *PSC-39-14-00020-P               | ..... exempt | Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters                                      | Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters        |
| *PSC-40-14-00008-P               | ..... exempt | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers                           | To consider granting authorization for Buy Energy Direct to resume marketing to residential customers                           |
| *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             |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-40-14-00011-P               | ..... exempt | Late Payment Charge  | To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due               |
| *PSC-40-14-00013-P               | ..... exempt | Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY        | To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY      |
| *PSC-40-14-00014-P               | ..... exempt | Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)  | To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process     |
| *PSC-40-14-00015-P               | ..... exempt | Late Payment Charge  | To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due               |
| *PSC-42-14-00003-P               | ..... exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries  | The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries |
| *PSC-42-14-00004-P               | ..... exempt | Winter Bundled Sales Service Option  | To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge |
| *PSC-48-14-00014-P               | ..... exempt | Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line | To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line           |
| *PSC-52-14-00019-P               | ..... exempt | Petition for a waiver to master meter electricity  | Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY |
| *PSC-01-15-00014-P               | ..... exempt | State Universal Service Fund Disbursements   | To consider Edwards Telephone Company's request for State Universal Service Fund disbursements                               |
| *PSC-08-15-00010-P               | ..... exempt | Request pertaining to the lawfulness of National Grid USA continuing its summary billing program                   | To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program                |
| *PSC-10-15-00007-P               | ..... exempt | Notification concerning tax refunds  | To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds |
| *PSC-10-15-00008-P               | ..... exempt | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes     | Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes               |
| *PSC-13-15-00024-P               | ..... exempt | Whether Leatherstocking should be permitted to recover a shortfall in earnings                                     | To decide whether to approve Leatherstocking's request to recover a shortfall in earnings                                    |
| *PSC-13-15-00026-P               | ..... exempt | Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product  | To permit the use of the Sensus Smart Point Gas AMR/AMI product  |
| *PSC-13-15-00027-P               | ..... exempt | Whether to permit the use of the Measurlogic DTS 310 electric submeter   | To permit the use of the Measurlogic DTS 310 submeter  |
| *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  |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-13-15-00029-P               | ..... exempt | Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters                          | To permit the use of the Triacta submeters  |
| *PSC-17-15-00007-P               | ..... exempt | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million        | To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million  |
| *PSC-18-15-00005-P               | ..... exempt | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism                        | Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism                  |
| *PSC-19-15-00011-P               | ..... exempt | Gas Safety Performance Measures and associated negative revenue adjustments   | To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid                         |
| *PSC-22-15-00015-P               | ..... exempt | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)                   | To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)             |
| *PSC-23-15-00005-P               | ..... exempt | The modification of New York American Water's current rate plan   | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff  |
| *PSC-23-15-00006-P               | ..... exempt | The modification of New York American Water's current rate plan   | Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff  |
| *PSC-25-15-00008-P               | ..... exempt | Notice of Intent to Submeter electricity  | To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York   |
| *PSC-29-15-00025-P               | ..... exempt | Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY                           | Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY                |
| *PSC-32-15-00006-P               | ..... exempt | Development of a Community Solar Demonstration Project  | To approve the development of a Community Solar Demonstration Project   |
| *PSC-33-15-00009-P               | ..... exempt | Remote net metering of a demonstration community net metering program   | To consider approval of remote net metering of a demonstration community net metering program                             |
| *PSC-33-15-00012-P               | ..... exempt | Remote net metering of a Community Solar Demonstration Project  | To consider approval of remote net metering of a Community Solar Demonstration Project                                    |
| *PSC-34-15-00021-P               | ..... exempt | Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs   | To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs                     |
| *PSC-35-15-00014-P               | ..... exempt | Consideration of consequences against Light Power & Gas, LLC for violations of the UBP  | To consider consequences against Light Power & Gas, LLC for violations of the UBP   |
| *PSC-37-15-00007-P               | ..... exempt | Submetered electricity  | To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007 |
| *PSC-40-15-00014-P               | ..... exempt | Whether to permit the use of the Open Way 3.5 with cellular communications  | To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93                              |
| *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   |



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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-44-15-00028-P               | ..... exempt | Deferral of incremental expenses associated with new compliance requirements  | Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements          |
| *PSC-47-15-00013-P               | ..... exempt | Whitepaper on Implementing Lightened Ratemaking Regulation  | Consider Whitepaper on Implementing Lightened Ratemaking Regulation  |
| *PSC-48-15-00011-P               | ..... exempt | Proposal to retire Huntley Units 67 and 68 on March 1, 2016   | Consider the proposed retirement of Huntley Units 67 and 68  |
| *PSC-50-15-00006-P               | ..... exempt | The reduction of rates  | To consider the reduction of rates charged by Independent Water Works, Inc.  |
| *PSC-50-15-00009-P               | ..... exempt | Notice of Intent to submeter electricity  | To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York            |
| *PSC-51-15-00010-P               | ..... exempt | Modification of the EDP   | To consider modifying the EDP  |
| *PSC-01-16-00005-P               | ..... exempt | Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices                                       | To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices   |
| *PSC-04-16-00007-P               | ..... exempt | Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility | Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility |
| *PSC-04-16-00012-P               | ..... exempt | Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station                           | Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station                   |
| *PSC-04-16-00013-P               | ..... exempt | Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic           | Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic                     |
| *PSC-06-16-00013-P               | ..... exempt | Continued deferral of approximately \$16,000,000 in site investigation and remediation costs                            | To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs                 |
| *PSC-06-16-00014-P               | ..... exempt | MEGA's proposed demonstration CCA program   | To consider MEGA's proposed demonstration CCA program  |
| *PSC-14-16-00008-P               | ..... exempt | Resetting retail markets for ESCO mass market customers   | To ensure consumer protections with respect to residential and small non-residential ESCO customers                          |
| *PSC-18-16-00013-P               | ..... exempt | Amendments to the Uniform Business Practices of ESCOs   | To ensure consumer protection for ESCO customers   |
| *PSC-18-16-00014-P               | ..... exempt | Amendments to the Uniform Business Practices of ESCOs   | To ensure consumer protection for ESCO customers   |
| *PSC-18-16-00015-P               | ..... exempt | Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process                   | To ensure consumer protections for ESCO customers  |
| *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   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| *PSC-20-16-00008-P               | ..... exempt | Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP) | To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP)             |
| *PSC-20-16-00010-P               | ..... exempt | Deferral and recovery of incremental expense  | To consider deferring costs of conducting leak survey and repairs for subsequent recovery                                    |
| *PSC-20-16-00011-P               | ..... exempt | Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study            | To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device  |
| *PSC-25-16-00009-P               | ..... exempt | To delay Companies' third-party assessments of customer personally identifiable information until 2018                | To extend the time period between the Companies' third-party assessments of customer personally identifiable information     |
| *PSC-25-16-00025-P               | ..... exempt | Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel      | To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel |
| *PSC-25-16-00026-P               | ..... exempt | Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications      | To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications          |
| *PSC-28-16-00017-P               | ..... exempt | A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework                | To determine appropriate rules for and calculation of the distributed generation reliability credit                          |
| *PSC-29-16-00024-P               | ..... exempt | Participation of NYPA customers in surcharge-funded clean energy programs   | To consider participation of NYPA customers in surcharge-funded clean energy programs  |
| *PSC-32-16-00012-P               | ..... exempt | Benefit-Cost Analysis Handbooks   | To evaluate proposed methodologies of benefit-cost evaluation  |
| *PSC-33-16-00001-EP              | ..... exempt | Use of escrow funds for repairs   | To authorize the use of escrow account funds for repairs   |
| *PSC-33-16-00005-P               | ..... exempt | Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility                    | Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges                |
| *PSC-35-16-00015-P               | ..... exempt | NYSRC's revisions to its rules and measurements   | To consider revisions to various rules and measurements of the NYSRC   |
| *PSC-36-16-00004-P               | ..... exempt | Recovery of costs for installation of electric service  | To consider the recovery of costs for installation of electric service   |
| *PSC-40-16-00025-P               | ..... exempt | Consequences pursuant to the Commission's Uniform Business Practices (UBP)  | To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements         |
| *PSC-47-16-00009-P               | ..... exempt | Petition to use commercial electric meters  | To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications          |
| *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   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-47-16-00014-P               | ..... exempt | Standby Service rate design  | To consider the report filed and the recommendations therein  |
| *PSC-47-16-00016-P               | ..... exempt | Standby Service rate design  | To consider the report filed and the recommendations therein  |
| *PSC-02-17-00010-P               | ..... exempt | Implementation of the four EAMs  | To consider the implementation of EAMs for RG&E   |
| *PSC-02-17-00012-P               | ..... exempt | Implementation of the four EAMs  | To consider the implementation of EAMs for NYSEG  |
| *PSC-18-17-00024-P               | ..... exempt | A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades | To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist                             |
| *PSC-18-17-00026-P               | ..... exempt | Revisions to the Dynamic Load Management surcharge   | To consider revisions to the Dynamic Load Management surcharge  |
| *PSC-20-17-00008-P               | ..... exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles  | To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel |
| *PSC-20-17-00010-P               | ..... exempt | Compressed natural gas as a motor fuel for diesel fueled vehicles  | To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel    |
| *PSC-21-17-00013-P               | ..... exempt | The establishment and implementation of Earnings Adjustment Mechanisms   | To consider the establishment and implementation of Earnings Adjustment Mechanisms  |
| *PSC-21-17-00018-P               | ..... exempt | Proposed agreement for the provision of water service by Saratoga Water Services, Inc.   | To consider a waiver and approval of terms of a service agreement   |
| *PSC-22-17-00004-P               | ..... exempt | Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives       | To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms                                    |
| *PSC-24-17-00006-P               | ..... exempt | Development of the Utility Energy Registry   | Improved data access  |
| *PSC-26-17-00005-P               | ..... exempt | Notice of Intent to submeter electricity   | To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York                             |
| *PSC-34-17-00011-P               | ..... exempt | Waiver to permit Energy Cooperative of America to serve low-income customers   | To consider the petition for a waiver   |
| *PSC-37-17-00005-P               | ..... exempt | Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives       | To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms                                     |
| *PSC-39-17-00011-P               | ..... exempt | Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan                   | To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan                  |
| *PSC-42-17-00010-P               | ..... exempt | Petition for rehearing of negative revenue adjustment and contents of annual Performance Report                                  | To consider NFGD's petition for rehearing   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-48-17-00015-P               | ..... exempt | Low Income customer options for affordable water bills  | To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs                                 |
| *PSC-50-17-00017-P               | ..... exempt | New Wave Energy Corp.'s petition for rehearing  | To consider the petition for rehearing filed by New Wave Energy Corp.   |
| *PSC-50-17-00018-P               | ..... exempt | Application of the Public Service Law to DER suppliers  | To determine the appropriate regulatory framework for DER suppliers   |
| *PSC-50-17-00019-P               | ..... exempt | Transfer of utility property  | To consider the transfer of utility property  |
| *PSC-50-17-00021-P               | ..... exempt | Disposition of tax refunds and other related matters  | To consider the disposition of tax refunds and other related matters  |
| *PSC-51-17-00011-P               | ..... exempt | Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project               | To consider Con Edison's petition for the recovery of costs for implementing the JFK Project                      |
| *PSC-04-18-00005-P               | ..... exempt | Notice of intent to submeter electricity  | To consider the notice of intent of Montante/Morgan Gates Circle LLC to submeter electricity                      |
| *PSC-05-18-00004-P               | ..... exempt | Lexington Power's ZEC compliance obligation   | To promote and maintain renewable and zero-emission electric energy resources                                     |
| *PSC-06-18-00012-P               | ..... exempt | To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan | To modify grandfathering criteria   |
| *PSC-06-18-00017-P               | ..... exempt | Merger of NYAW and Whitlock Farms Water Corp.   | To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity                    |
| *PSC-07-18-00015-P               | ..... exempt | The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades                       | To consider AEC's petition requesting resolution of their billing dispute with National Grid                      |
| *PSC-11-18-00004-P               | ..... exempt | New York State Lifeline Program   | To consider TracFone's petition seeking approval to participate in Lifeline                                       |
| *PSC-13-18-00015-P               | ..... exempt | Eligibility of an ESCO to market to and enroll residential customers  | To consider whether Astral should be allowed to market to and enroll residential customers following a suspension |
| *PSC-13-18-00023-P               | ..... exempt | Reconciliation of property taxes  | To consider NYAW's request to reconcile property taxes  |
| *PSC-14-18-00006-P               | ..... exempt | Petition for abandonment  | To consider the abandonment of Willsboro Bay Water Company's water system   |
| *PSC-17-18-00010-P               | ..... exempt | Petition for use of gas metering equipment  | To ensure that consumer bills are based on accurate measurements of gas usage                                     |
| *PSC-18-18-00009-P               | ..... exempt | Transfer of control of Keene Valley Video Inc.  | To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest |
| *PSC-23-18-00006-P               | ..... exempt | Whether to impose consequences on Aspiry for its non-compliance with Commission requirements                          | To ensure the provision of safe and adequate energy service at just and reasonable rates                          |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-24-18-00013-P               | ..... exempt | Implementation of program rules for Renewable Energy Standard and ZEC requirements | To promote and maintain renewable and zero-emission electric energy resources  |
| *PSC-28-18-00011-P               | ..... exempt | Storm Hardening Collaborative Report   | To ensure safe and adequate gas service  |
| *PSC-29-18-00008-P               | ..... exempt | Participation in Targeted Accessibility Fund                                       | To encourage enhanced services for low-income consumers  |
| *PSC-29-18-00009-P               | ..... exempt | Overvaluing real property tax expense recovery in water rates                      | To prevent unjust and unreasonable water rates   |
| *PSC-34-18-00015-P               | ..... exempt | Petition to submeter electricity   | To ensure adequate submetering equipment and energy efficiency protections are in place  |
| *PSC-34-18-00016-P               | ..... exempt | Deferral of pre-staging and mobilization storm costs                               | To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs                |
| *PSC-35-18-00003-P               | ..... exempt | Con Edison's 2018 DSIP and BCA Handbook Update                                     | To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider                      |
| *PSC-35-18-00005-P               | ..... exempt | NYSEG and RG&E's 2018 DSIP and BCA Handbook Update                                 | To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers                    |
| *PSC-35-18-00006-P               | ..... exempt | National Grid's 2018 DSIP and BCA Handbook Update                                  | To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider                   |
| *PSC-35-18-00008-P               | ..... exempt | Central Hudson's 2018 DSIP and BCA Handbook Update                                 | To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider                  |
| *PSC-35-18-00010-P               | ..... exempt | O&R's 2018 DSIP and BCA Handbook Update  | To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider                              |
| *PSC-39-18-00005-P               | ..... exempt | Participation in New York State Lifeline Program                                   | To encourage enhanced services for low-income customers  |
| *PSC-40-18-00014-P               | ..... exempt | Annual Reconciliation of Gas Expenses and Gas Cost Recoveries                      | To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018                                   |
| *PSC-42-18-00011-P               | ..... exempt | Voluntary residential beneficial electrification rate design                       | To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers |
| *PSC-42-18-00013-P               | ..... exempt | Petition for clarification and rehearing of the Smart Solutions Program Order      | To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity        |
| *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                  |

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



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

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| *PSC-42-20-00008-P               | ..... exempt | Availability of gas leak information to the public safety officials.   | Facilitate availability of gas leak information to public safety officials by gas corporations                              |
| *PSC-45-20-00003-P               | ..... exempt | Petition to submeter electricity   | To ensure adequate submetering equipment and consumer protections are in place  |
| *PSC-46-20-00005-P               | ..... exempt | The recommendations of the DPS Staff report to improve Hudson Valley Water's service                             | To determine if approving the DPS Staff's recommendations is in the public interest   |
| *PSC-48-20-00005-P               | ..... exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers        |
| *PSC-48-20-00007-P               | ..... exempt | Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences             |
| *PSC-51-20-00009-P               | ..... exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers           |
| *PSC-51-20-00014-P               | ..... exempt | Electric system needs and compensation for distributed energy resources  | To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources |
| *PSC-01-21-00004-P               | ..... exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process | To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers              |
| *PSC-04-21-00016-P               | ..... exempt | Request for a waiver   | To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement                  |
| *PSC-09-21-00005-P               | ..... exempt | Utility capital expenditure proposal   | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences             |
| *PSC-13-21-00016-P               | ..... exempt | Revised distribution strategies and reallocation of remaining funding  | To ensure the appropriate use of funding reserved for gas safety programs   |
| *PSC-17-21-00005-P               | ..... exempt | Submetering equipment  | To consider use of submetering equipment and if it is in the public interest  |
| *PSC-17-21-00006-P               | ..... exempt | Community Choice Aggregation and Community Distributed Generation  | To consider permitting opt-out Community Distributed Generation to be offered as the sole product in an aggregation         |
| *PSC-17-21-00007-P               | ..... exempt | Utility studies of climate change vulnerabilities  | To assess the need for utilities to conduct distinct studies of their climate change vulnerabilities                        |
| *PSC-18-21-00006-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           |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| *PSC-20-21-00004-P               | ..... exempt | Regulatory approvals in connection with a 437 MW electric generating facility   | To ensure appropriate regulatory review, oversight, and action, consistent with the public interest                             |
| *PSC-21-21-00012-P               | ..... exempt | Petition for the use of gas metering equipment  | To ensure that consumer bills are based on accurate measurements of gas usage   |
| *PSC-21-21-00019-P               | ..... exempt | Utility capital expenditure proposal  | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences                 |
| *PSC-26-21-00011-P               | ..... exempt | Notice of intent to submeter electricity  | To ensure adequate submetering equipment and consumer protections are in place  |
| *PSC-28-21-00012-P               | ..... exempt | Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY | To address the proposed transfer and any matters within the public interest   |
| *PSC-28-21-00013-P               | ..... exempt | Elimination of internal audits of wholesale performance metrics   | To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits                              |
| *PSC-29-21-00009-P               | ..... exempt | Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies             | To study the efficacy of using AMI to disconnect electric service during gas system emergencies                                 |
| *PSC-30-21-00006-P               | ..... exempt | NYSERDA proposal regarding Clean Energy Standard backstop collection processes  | To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard         |
| *PSC-32-21-00002-P               | ..... exempt | The prohibition on ESCO service to low-income customers   | To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers        |
| *PSC-35-21-00009-P               | ..... exempt | To modify the terms and conditions under which gas utilities provide service to electric generators                     | To provide clarity and uniformity to the provision of gas service to electric generators in New York State                      |
| *PSC-36-21-00006-P               | ..... exempt | The Westchester Power Program   | To consider integration of Opt-out Community Distributed Generation into the Westchester Power program                          |
| *PSC-37-21-00010-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    |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| *PSC-39-21-00007-P               | ..... exempt | The proposed alternative method of account identification  | To facilitate secure customer data exchanges between the utility or provider and energy service entities                       |
| *PSC-46-21-00014-P               | ..... exempt | Waiver of tariff rules and a related Commission regulation   | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest    |
| *PSC-47-21-00003-P               | ..... exempt | Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated | To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access  |
| *PSC-47-21-00005-P               | ..... exempt | Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated | To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access  |
| *PSC-48-21-00007-P               | ..... exempt | Verizon's Performance Assurance Plan   | To consider whether to retire the Performance Assurance Plan   |
| *PSC-50-21-00006-P               | ..... exempt | Implementation of the Host Community Benefit Program   | To consider the proposed administration and implementation related to disbursement of customer bill credits                    |
| *PSC-50-21-00008-P               | ..... exempt | Implementation of the Host Community Benefit Program   | To consider the proposed administration and implementation related to disbursement of customer bill credits                    |
| *PSC-50-21-00011-P               | ..... exempt | Implementation of the Host Community Benefit Program   | To consider the proposed administration and implementation related to disbursement of customer bill credits                    |
| *PSC-50-21-00012-P               | ..... exempt | Implementation of the Host Community Benefit Program   | To consider the proposed administration and implementation related to disbursement of customer bill credits                    |
| *PSC-03-22-00004-P               | ..... exempt | Proposal by electric utilities on a coordinated electric grid planning process   | To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals |
| *PSC-05-22-00001-P               | ..... exempt | Green gas products   | To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products   |
| *PSC-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   |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| PSC-14-22-00008-P                | ..... exempt | An opt-out community distributed generation program   | To establish the program rules for offering community distributed generation on and opt-out basis in New York State           |
| PSC-18-22-00002-P                | ..... exempt | NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance                           | To determine if NYSEG and RG&E's petition for waiver is in the public interest  |
| PSC-18-22-00007-P                | ..... exempt | Extension of deadline   | Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units    |
| PSC-19-22-00021-P                | ..... exempt | Brooklyn Clean Energy Hub and cost recovery   | To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation             |
| PSC-19-22-00022-P                | ..... exempt | Modification of Con Edison's electric tariff  | To either eliminate or waive a provision of the Standby Service Offset Tariff   |
| PSC-20-22-00009-P                | ..... exempt | Modify lease of utility property  | To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line              |
| PSC-20-22-00011-P                | ..... exempt | Establishment of the regulatory regime applicable to a wind electric generating facility                          | To ensure appropriate regulation of a new electric corporation  |
| PSC-21-22-00005-P                | ..... exempt | To implement the non-pipe alternative factor to recover the costs of approved alternative infrastructure projects | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences               |
| PSC-21-22-00007-P                | ..... exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process  | To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers       |
| PSC-21-22-00008-P                | ..... exempt | Cybersecurity requirements  | Modify the framework to ensure the protection of utility systems and customer data from cyber events                          |
| PSC-21-22-00011-P                | ..... exempt | Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process  | To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers |
| PSC-22-22-00014-P                | ..... exempt | Amendments to the Standardized Interconnection Requirements   | To consider changes to accommodate the interconnection of distributed energy resources by governmental entities               |
| PSC-24-22-00004-P                | ..... exempt | Waiver of tariff rules and a related Commission regulation  | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest   |
| PSC-24-22-00007-P                | ..... exempt | St. Lawrence Gas' petition for a waiver of its 2021 service quality performance                                   | To determine if St. Lawrence Gas' petition for waiver is in the public interest   |
| 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                    |



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| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| 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.   |
| 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.           |

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| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| PSC-38-22-00006-P                | ..... exempt | Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.         | To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.             |
| PSC-38-22-00007-P                | ..... exempt | Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.         | To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.             |
| PSC-38-22-00008-P                | ..... exempt | Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process. | To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.      |
| PSC-38-22-00009-P                | ..... exempt | Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.         | To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.             |
| PSC-38-22-00010-P                | ..... exempt | Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.         | To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.             |
| PSC-39-22-00007-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.  |

| Agency I.D. No.                  | Expires      | Subject Matter  | Purpose of Action  |
|----------------------------------|--------------|---|--|
| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| PSC-43-22-00006-P                | ..... exempt | Minor electric rate filing to increase annual electric revenues.  | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                 |
| PSC-43-22-00007-P                | ..... exempt | Minor electric rate filing to increase annual electric revenues.  | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.                 |
| PSC-43-22-00009-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.  |

| Agency I.D. No.                  | Expires      | Subject Matter  | Purpose of Action  |
|----------------------------------|--------------|---|--|
| <b>PUBLIC SERVICE COMMISSION</b> |              |   |  |
| PSC-49-22-00022-P                | ..... exempt | Waiver of tariff rules and a related Commission regulation.   | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest. |
| PSC-49-22-00023-P                | ..... exempt | Waiver of tariff rules and a related Commission regulation.   | To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest. |
| PSC-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.  |

| Agency I.D. No.                  | Expires      | Subject Matter  | Purpose of Action   |
|----------------------------------|--------------|---|---|
| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| PSC-01-23-00016-P                | ..... exempt | Brooklyn Clean Energy Hub alternative and cost recovery.  | To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation.            |
| PSC-01-23-00017-P                | ..... exempt | Interconnection costs.  | To consider a petition requesting relief from interconnection costs assigned by NYSEG.  |
| PSC-01-23-00018-P                | ..... exempt | Lease of certain real property.   | To determine whether to provide written consent for the proposed transfer of certain real property.                           |
| PSC-01-23-00019-P                | ..... exempt | Energy efficiency and building electrification programs.  | To identify and implement potential changes to the energy efficiency and building electrification programs .                  |
| PSC-02-23-00021-P                | ..... exempt | Notice of intent to submeter electricity and waiver request.  | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.                |
| PSC-02-23-00022-P                | ..... exempt | Compensation of and incentives for distributed energy resources.  | To encourage the development of and ensure just and reasonable rates for distributed energy resources.                        |
| PSC-02-23-00023-P                | ..... exempt | Long-term gas system planning.  | To consider and review long-term gas system planning.   |
| PSC-02-23-00024-P                | ..... exempt | Notice of intent to submeter electricity and waiver request.  | To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.                |
| PSC-02-23-00025-P                | ..... exempt | Proposed major rate increase in Con Edison's annual revenues by \$137 million.                                      | To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.              |
| PSC-02-23-00026-P                | ..... exempt | Notice of intent to submeter electricity.   | To ensure adequate submetering equipment and consumer protections are in place.   |
| PSC-03-23-00004-P                | ..... exempt | Updated recommendations for the solicitation, procurement, and/or installation of qualified energy storage systems. | To encourage energy storage deployment and establish an updated 2030 target and deployment program.                           |
| 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.             |



| Agency I.D. No.                  | Expires      | Subject Matter  | Purpose of Action   |
|----------------------------------|--------------|---|---|
| <b>PUBLIC SERVICE COMMISSION</b> |              |   |   |
| 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.                   |
| 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.                          |

| Agency I.D. No.                  | Expires      | Subject Matter   | Purpose of Action  |
|----------------------------------|--------------|--|--|
| <b>PUBLIC SERVICE COMMISSION</b> |              |  |  |
| 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.    |
| 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.  |

| Agency I.D. No.                  | Expires      | Subject Matter   | Purpose of Action   |
|----------------------------------|--------------|--|---|
| <b>PUBLIC SERVICE COMMISSION</b> |              |  |   |
| 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.    |
| 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.      |
| PSC-15-23-00002-P                | ..... exempt | Community Choice Aggregation   | To determine if Mid-Hudson Energy Transition Inc. should operate as a Community Choice Aggregation Administrator.   |
| PSC-15-23-00003-P                | ..... exempt | National Grid's billing loading factors.   | To ensure National Grid's billing loading factor adjustment frequency is reasonable.                                |
| PSC-15-23-00004-P                | ..... exempt | Waiver of the timing requirement in the Commission's policy on test years in rate cases.   | To determine whether waiver of the Commission's 150 day requirement for test years is in the public interest.       |
| PSC-15-23-00005-P                | ..... exempt | Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units. | To consider providing master-metered electricity to residents on a rent included basis.                             |

**STATE, DEPARTMENT OF**

|                   |                |   |  |
|-------------------|----------------|---|--|
| DOS-47-22-00004-P | ..... 11/23/23 | Creation of a cease and desist zone within Kings County.                | To adopt a cease and desist zone for a designated area within Kings County and remove reference to expired zones.            |
| DOS-03-23-00003-P | ..... 03/21/24 | New York State Uniform Fire Prevention and Building Code (Uniform Code) | To amend the existing Uniform Code to amend provisions relating to hot tubs and spas   |
| 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.                  |

| Agency I.D. No.  | Expires  | Subject Matter   | Purpose of Action   |
|--|----------|--|---|
| <b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b> |          |  |   |
| 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 |
| <b>TAXATION AND FINANCE, DEPARTMENT OF</b>             |          |  |   |
| *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.        |
| <b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>  |          |  |   |
| 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     |
| <b>THRUWAY AUTHORITY, NEW YORK STATE</b>               |          |  |   |
| 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.                            |
| <b>TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY</b>          |          |  |   |
| 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.  |
| <b>VICTIM SERVICES, OFFICE OF</b>                      |          |  |   |
| 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.                       |
| <b>WORKERS' COMPENSATION BOARD</b>                     |          |  |   |
| *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

### REPLACE HVAC UNITS

Camp Smith Training Site  
Cortlandt Manor, Westchester County

Sealed bids for Project No. Q1864-H, comprising a contract for HVAC Work, Replace HVAC Units, Buildings 503 and 501, Camp Smith Training Site, 11 Bear Mountain Bridge Road, Cortlandt Manor (Westchester 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 Military and Naval Affairs, 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 \$22,700 for H).

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

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$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 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 342 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 10:00 a.m. on April 13, 2023 at OGS Field Office, 11 Bear Mountain Bridge Road, Cortlandt Manor, NY 10567. 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 Reich (845-662-9303) a minimum of 24 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 24 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 17-B of the New York State Executive Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS



hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto: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](mailto: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 BUILDINGS

Various Department of Transportation Locations  
Port Jefferson and Sunnyside, Nassau and Suffolk Counties

Sealed bids for Project Nos. 47320-C and 47320-E, comprising separate contracts for Construction Work and Electrical Work, Provide Salt Storage Buildings, Port Jefferson & Sunnyside (Plainview), Various DOT Locations (Nassau and Suffolk Counties), 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 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 \$76,700 for C, and \$24,200 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 \$2,000,000 and \$3,000,000 for C, and between \$250,000 and \$500,000 for E.

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

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

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

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

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

The substantial completion date for this project is 224 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 is April 13, 2023 at 9:00 a.m. for Sunnyview (Plainville) at 340 Sunnyside Blvd, Plainview, NY and at 11:00 am for Port Jefferson at 245 Hallock Avenue, Port Jefferson, 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 Bruce Desiderio, (646-678-1082) 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 6% for the E trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

For questions about downloading of bid documents, please send an e-mail to [support@bidexpress.com](mailto: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](mailto: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

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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](http://www.osc.state.ny.us)

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

## PUBLIC NOTICE

Department of Health-AIDS Institute  
Office of Medicaid Policy and Healthcare Financing  
Heightened Scrutiny Evidence Packets

In compliance with 42 CFR § 441.301(c)(5)(v), the New York State Department of Health-AIDS Institute, Office of Medicaid Policy and Healthcare Financing is pleased to announce that it will conduct a public comment period, to allow members of the public to provide comments on its Home and Community-Based Services (HCBS) Final Rule related Heightened Scrutiny evidence packet(s), developed by the New York State Department of Health-AIDS Institute, Office of Medicaid Policy and Healthcare Financing and New York State entities that oversee HCBS. This is being done to maintain federal match funding for home and community-based service setting(s) that the New York State Department of Health-AIDS Institute, Office of Medicaid Policy and Healthcare Financing, Medicaid Policy and Programs has determined can or will overcome the institutional (i.e., non-eligible for HCBS funding) presumption by Department of Health and Human Services (DHHS), on or before March 17, 2023.

AIDS Adult Day Health Care (AADHC) programs provide a comprehensive range of services to persons living with HIV (PLWH) or at risk for HIV with co-occurring conditions including mental health, substance use, and chronic health concerns. AADHC daily services include assessments, one-on-one counseling, case management, socialization/recreation activities, health education, group sessions, substance use and mental health services, nursing care, nutritional services, daily meals, and specialized services for PLWH.

### Strategies to Identify Settings

AIDS ADHC settings were identified as Heightened Scrutiny based on their physical location and an assessment of the standards that indicate whether a setting is isolating in nature. Settings were determined to be Heightened Scrutiny if they met any of the criteria below:

- were in a publicly or privately operated facility that provides inpatient institutional treatment

- were in a building on the grounds of, or adjacent to, a public institution

- had the effect of isolating individuals from the broader community
- Strategies to Review Settings

In June 2021, all AADHC completed an HCBS Self-Assessment. To validate these results, the NYS Department of Health-AIDS Institute conducted in person site visits of all AIDS Adult Day Health Care Programs (including those that met the criteria for Heightened Scrutiny settings) from January – March 2022.

The site visits included a comprehensive assessment of the setting's compliance with the HCBS Final Rule and included staff and client interviews, photos of the setting and surrounding area, direct observation, and a review of supporting documentation (ex. policies and procedures).

A formal site visit findings letter was issued for each setting, noting areas of compliance, partial compliance, and non-compliance. Settings were required to remediate all areas of partial or non-compliance by April 2023 and develop/implement a related Corrective Action Plan.

### Numbered List of Settings

A total of two (2) AIDS ADHC settings were determined to be Heightened Scrutiny.

| Facility Name  | Prong | Summary   |
|--|-------|---|
| Richmond Center AIDS Adult Day Health Care Program   | 1     | Setting meets all of the settings criteria except they require remediation of program policies and procedures that outline the process to request modifications to additional provider-owned and controlled standards. Technical assistance is being provided and the target date for remediation is 3/17/23. |
| St. Mary's Center AIDS Adult Day Health Care Program | 2     | Setting meets all the settings criteria except they require remediation of program policies and procedures that outline the process to request modifications to additional provider-owned and controlled standards. Technical assistance is being provided and the target date for remediation is 3/17/23.    |

### A Numbered of List of Settings That Cannot Overcome the Presumption

With remediation, both settings can overcome the institutional presumption.

### A List of Presumptively Institutional Settings Due to Isolation

No settings were determined presumptively institutional settings due to being isolating.

Process for applying CMS feedback on specific settings to similarly situated settings

New York State Department of Health-AIDS Institute will review all comments and feedback received from the public and the Centers for Medicare and Medicaid Services (CMS). Based on this review, the New York State Department of Health-AIDS Institute, Office of Medicaid Policy and Healthcare Financing may contact the setting and request additional documentation, clarification, and evidence to demonstrate that the setting overcomes its intuitional presumption. In addition, the New York State Department of Health-AIDS Institute, Office of Medicaid Policy and Healthcare Financing may revise the setting's existing remediation plan and require additional remediation strategies to address any concerns raised. If any setting generates significant public comment in opposition of the state's assessment, the Heightened Scrutiny evidence data packet(s) for any of these settings will be submitted to CMS for further review.

This notice further serves to open the 30-day public comment period that will close on May 12, 2023.

As soon as the public comment period begins, the electronic link will be sent to the Centers for Medicare and Medicaid Services (CMS) statewide transition plan team. In addition to this 30-day comment period where the public will be afforded the opportunity to provide written comments, the New York State Department of Health-AIDS Institute, Office of Medicaid Policy and Healthcare Financing and the Home and Community Based Services Waiver implementation team will receive written comments by contacting (Diane Lewis, 518-486-1383, Corning Tower, ESP, Room 372, Albany, NY 12237).

A draft of the Heightened Scrutiny evidence data packet(s) will be available for review at: [https://health.ny.gov/diseases/aids/general/standards/adult\\_day\\_health\\_care/index.htm](https://health.ny.gov/diseases/aids/general/standards/adult_day_health_care/index.htm)

For individuals with limited online access and who require special accommodation to access paper copies, please call 518-486-1383.

Any updates related to the public comment will be sent via the: AIDS Adult Day Health Care Program mailing list: AIDSADHCP@health.ny.gov

Prior to finalizing the proposed 1115 demonstration Heightened Scrutiny evidence packet(s), the New York State Department of Health-AIDS Institute, Office of Medicaid Policy and Healthcare Financing will consider all written and verbal comments received, amending determination(s) of compliance and conducting further remediation activities as needed.

Please direct all questions to: AIDSADHCP@health.ny.gov

*Written comments will be accepted by email at AIDSADHCP@health.ny.gov or by mail to:* Diane Lewis, Department of Health AIDS Institute, Corning Tower, ESP, Rm. 372, Albany, NY 12237, (518) 486-1383

All comments must be postmarked or emailed by 30 days of the date of this notice.

## PUBLIC NOTICE

### Department of Health

Pursuant to 42 CFR Section 447.205, the Department of Health hereby gives public notice of the following:

The Office for People With Developmental Disabilities (OPWDD) and the Department of Health (DOH) propose to amend the OPWDD 1915(c) Comprehensive Home and Community-Based Services (HCBS) Waiver (NY.0238) effective October 1, 2023. Proposed changes are being made to permanently adopt certain provisions that were temporarily authorized to address the COVID-19 public health emergency, in advance of the November 11, 2023 end of COVID emergency-related provisions under the authority of Appendix K. This amendment will also include other programmatic, fiscal and administrative changes outlined in this notice.

The amendment proposes to make permanent certain COVID-19 temporary actions both approved or pending related to Family Education and Training (FET) services, Intensive Behavioral Services (IBS), Residential Habilitation (RH), Day Habilitation (DH), Prevocational services, Fiscal Intermediary (FI) and Support Broker fees, and Personal Resource Account (PRA) tables. OPWDD proposes a change to the FET service definition to allow for a remote delivery of service,

consistent with parameters previously established for other waiver services. Additionally, it is proposed that temporarily approved rate increases for IBS be made permanent. Changes are proposed related to the RH rate setting methodology for the Occupancy Adjustment. OPWDD is proposing to modify the existing language for the Occupancy Adjustment to allow for implementation on or after 10/01/2020. This will continue the COVID-pandemic delay in the implementation of this adjustment. Further, changes are proposed related to to/from transportation rebasing, consistent with temporary COVID-19 Appendix K authority for an eight-month period following the end of the Appendix K authority. With this action, OPWDD proposes to complete a to/from transportation rebase annually beginning on 07/01/24. Lastly, OPWDD proposes changes that authorize cost-based rates to be re-based within a five-year period from the last rate update, instead of four years, as well as to allow for implementation on or after 10/01/2023 of a 15% limit on reimbursement for agency administration. The latter proposal will continue the COVID-pandemic delay in implementation of this adjustment.

Proposed clarifying changes include revisions to allow for the timely updating of rates, fees and the Personal Resource Allocations (PRAs) used in the Self-Direction program. Changes are proposed related to Self-Directed services to remove existing Fiscal Intermediary, and Brokerage fees from the waiver and replace with a link to the Department of Health (DOH) Rate Setting website where current fee tables can be located. Additionally, removal of the current Self-Direction PRA funding threshold table from the waiver and replacement with a link to the DOH Rate Setting website is proposed. These changes, with CMS approval, will allow the State to update the values for the fees and PRAs in accordance with legislatively mandated cost of living adjustments projecting for the effects of inflation or any other form of reimbursement applicable to these services authorized under the Waiver, and not delay the implementation pending the submission and approval of future waiver amendments.

Additionally, proposed clarifying changes are being made to reflect existing language in accordance with legislatively mandated cost of living adjustments projecting for the effects of inflation upon rates of payments, fee-based services, contracts, or any other form of reimbursement for services authorized under the Waiver. Such clarifications are to be added to descriptions of each waiver service reimbursement described in the rate setting addendum.

Changes are proposed related to timely completion of Consolidated Fiscal Reports (CFR). OPWDD proposes to eliminate current language imposing a 50% rate reduction at the highest level of penalties for late submissions but will maintain other existing penalties.

Programmatic changes include revisions to the service descriptions for Assistive Technology, Vehicle Modification, Environmental Modification and Residential Habilitation service types. Changes within Assistive Technology-Adaptive Devices are proposed to allow for a subset of service dedicated to Home-Enabling Supports for individuals who do not reside in a certified setting. Home-Enabling Supports are alternative services, equipment, or supplies not otherwise provided through the Medicaid State Plan/Waiver that address an identified need in an individual's Life Plan, which includes improving and maintaining the individual's opportunities for full membership in their community. In addition, OPWDD proposes to allow the direct service provision by approved providers for Home-Enabling Supports, to support more efficient and responsive access to this service.

For Environmental Modification, Assistive Technology and Adaptive Devices and Vehicle Modifications, this amendment proposes to return to higher reimbursement caps that cannot be exceeded without additional review and approval of control agencies. These changes will support streamlined and efficient approvals and are set at a level that reflects costs of recently approved projects and items. Any requests submitted prior to 10/1/2023 will be subject to existing limits. Language changes to allow the direct billing of Vehicle Modifications by providers are proposed to streamline operations.

Changes are proposed to the Residential Habilitation service definition that will allow an exception to the prohibition on receiving Respite services for individuals who live in certified settings, who are above the age of 60 and who choose to participate in a Respite program

targeting seniors, where services are taking place outside the residence. This action is intended to address the participants’ retirement-related needs for socialization and engagement outside the residence.

This amendment will remove the Individual Directed Goods and Services (IDGS) definitions chart from the waiver and replace it with a link to the OPWDD website where the current chart can be located. This will allow more responsive updates to IDGS policies by allowing changes to be made effective with updates to the Administrative Memorandum (ADM) without the submission and approval of future waiver amendments. Changes to OPWDD ADMs are subject to stakeholder review and comment prior to implementation.

Administrative and Quality oversight changes are proposed. The section of the Waiver entitled, “Participant Access and Eligibility,” in part, addresses how the State would prioritize waiver enrollment, if there were insufficient opportunities. Changes are proposed in this section of the waiver to prioritize people leaving institutions and residential schools. This change does not affect the prioritization of access for people living at home with caregivers who cannot continue in this role. These people remain at the highest level of prioritization.

Based on lessons learned during the COVID-19 Public Health Emergency, this waiver amendment proposes implementation of a risk-stratified methodology for conducting Division of Quality Improvement (DQI) on-site visits to certified sites. Under the new methodology, every residential and day habilitation site will have a complete site visit conducted on a routine basis. High-performing sites (with no deficiencies or limited deficiencies with approved corrective action plans) may be subject to either a truncated on-site review or a “remote” review during years that the complete site visit is not conducted.

The estimated annual net aggregate increase in gross Medicaid expenditures attributable to the increase in IBS rates, FI fees, Support Broker fees and PRA tables is approximately \$78.7 million. The other actions included in this amendment will not increase or decrease Medicaid expenditures.

The public is invited to review and comment on the proposed October 1, 2023, HCBS Waiver Amendment beginning April 12, 2023 through May 12, 2023. The proposed amendment will be available for public review on the OPWDD website at: <https://opwdd.ny.gov/providers/home-and-community-based-services-waiver> and local OPWDD Developmental Disabilities Regional Offices (DDROs) as of April 12, 2023. Individuals without internet access may view the proposed Amendment at any local (county) social services district.

Copies will be available at the following local OPWDD DDROs’ addresses:

Finger Lakes DDRO  
620 Westfall Rd./Suite 326  
Rochester, NY 14620

Western NY DDRO  
1200 East and West Rd., Bldg. 16  
West Seneca, NY 14224

Broome DDRO  
249 Glenwood Rd.  
Binghamton, NY 13905

Central NY DDRO  
187 Northern Concourse  
North Syracuse, NY 13212

Sunmount DDRO  
2445 State Route 30  
Tupper Lake, NY 12986

Capital District DDRO  
500 Balltown Rd.  
Schenectady, NY 12304  
Hudson Valley DDRO

9 Wilbur Rd.  
Thiells, NY 10984

Taconic DDRO  
38 Firemens Way  
Poughkeepsie, NY 12603

Bernard Fineson DDRO  
80-45 Winchester Blvd.  
Bldg. 80, 2nd Fl. Administrative Suite  
Queens Village, NY 11427

Metro NY DDRO/Bronx  
2400 Halsey St.  
Bronx, NY 10461

Brooklyn DDRO  
750 Vandalia Ave.  
Brooklyn, NY 11239

Metro NY DDRO/Manhattan  
25 Beaver St., 3rd Fl.  
New York, NY 10004

Staten Island DDRO  
930 Willowbrook Rd.  
Staten Island, NY 10314

Long Island DDRO  
415-A Oser Ave.  
Hauppauge, NY 11788

*Written comments will be accepted by email at [peoplefirstwaiver@opwdd.ny.gov](mailto:peoplefirstwaiver@opwdd.ny.gov) or by mail at:* Office for People With Developmental Disabilities, Division of Policy and Program Development, 44 Holland Avenue, Albany, NY 12229. All comments must be postmarked or emailed by May 12, 2023. Please indicate “OPWDD 1915(c) October 1, 2023 Waiver Amendment Comments” in the subject line.

OPWDD will schedule webinars to discuss these changes in greater detail. Information regarding these sessions will be available on the OPWDD website and distributed widely to OPWDD stakeholders via e-mail and social media. To ensure you will receive these notices, interested parties should add their contact information to “Join the Conversation” at: <https://public.govdelivery.com/accounts/NYOPWDD/signup/15127>

**PUBLIC NOTICE**

Department of State  
F-2022-0960

Date of Issuance – April 12, 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-2022-0960, The Brockport Yacht Club is proposing to hydraulically dredge up to 1,300 cubic yards of material annually from a 35’x400’ are at the mouth of Sandy creek with placement a 150’x150’ are just east of the eastern pier. Placement would occur at an elevation of not more than 243’ IGLD 1985 and dredging would only occur between July 1 and April 30 in any given year.

The proposal dredging would occur at the mouth of Sandy Creek/Lake Ontario in the Town of Hamlin, Monroe County

The stated purpose of the proposed action is to dredge to allow for safe navigation of deeper draft boats.



The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2022-0960.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, 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 12, 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](mailto:CR@dos.ny.gov)

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

## PUBLIC NOTICE

Department of State  
F-2022-0996

Date of Issuance – April 12, 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, Albany, New York.

In F-2022-0996, Port Regalle Marina & Yacht Club, LLC is proposing the removal and reconstruction of the floating docks and piles at Great Kills Marina. These elements will be replaced with new piles and floating docks. The existing timber groin structure is proposed to be replaced to avoid future sediment accumulation and failure due to sediment migration from the adjacent beach. The marina will also be improved with a new wave attenuator and wave screen.

The site is located in Great Kills Harbor, at 305-B Wilman Avenue, Staten Island, NY 10308, Richmond County.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2022/04/f-2022-0996.pdf> or at <https://dos.ny.gov/public-notices>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or May 12, 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](mailto: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-2023-0062

Date of Issuance – April 12, 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-2023-0062, Linda Link and Sandra Palm, are proposing to install a 4' x 18' dock 4' above grade (with thru flow/open grate decking), a 3' x 12' seasonal ramp and 6' x 20' seasonal float secured by 2 pilings and Grade B class float chocks. Untreated material. 92 Cold Spring Point Road, Southampton, Suffolk County, Dug Channel.

The stated purpose of the proposed action is for "riparian access to water for private recreational docking".

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/03/f-2023-0062.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, 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 11, 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](mailto: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-2023-0093

Date of Issuance – April 12, 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-2023-0093, The Breakwater Yacht Club is proposing to install a new 6' x 70' floating dock and 8' x 40' finger dock. The proposed dock floating dock would connect to an existing floating dock at the yacht club. The yacht club is located at 51 Bay Street in the Village of Sag Harbor, Town of East Hampton, Suffolk County, on Sag Harbor Bay.

The stated purpose of the proposed action is to install new floating docks for boating use.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0093.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, 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 12, 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](mailto: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-2023-0136 (DA)

Date of Issuance – April 12, 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 (the Corps) has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination 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, Albany, New York.

In F-2023-0136, The U.S. Army Corps of Engineers, New York District (the Corps) proposes to perform maintenance dredging of Browns Creek, Federal navigation Channel. Browns Creek Federal Navigation Channel is located on the south shore of Long Island and is approximately 54 miles east of the Battery, New York City. It extends from Great South Bay north about 1 mile to the head of navigation. The channel is used by commercial ferries with docking facilities and also by recreational vessels. The channel was last dredged in 1995 with the removal of approximately 20,297 cubic yards of sediment. Dredged material was placed at an upland placement site adjacent to the creek. The channel was last dredged in 2005 with the removal of approximately 19,975 cubic yards (CY) of sediment, which was placed at an existing upland Confined Disposal Facilities (CDF) to the east of Browns Creek.

The proposed maintenance dredging would involve the removal of approximately 52,000 CY of material. The 6 feet deep channel will be dredged to a depth of 6 feet plus 2 feet allowable overdepth and the 4 feet deep channel will be dredged to a depth of 4 feet plus 2 feet allowable overdepth, subject to availability of funds. The upland CDF previously used in the 2005 dredge cycle is available for the proposed maintenance dredging and a second upland CDF east of the creek may also be available for placement of dredged material. Depending on the available capacity, the dredged material is proposed to be placed at one or both of the two CDFs adjacent to the creek.

The proposed location for placement of approximately 52,000 CY of material into one or both of the upland CDF east of the Creek. The dredging and placement for this project is anticipated to occur in the fall/winter of 2023. The dredged material from Browns Creek is proposed to be placed at an adjacent upland CDF located east of Brown Creek. Depending on the available capacity, the dredged material is proposed to be placed at one or both of the two CDFs adjacent to the creek. The dredged material will be required to meet all federal, state and local criteria required by the government agencies having jurisdiction where the placement site is located. All necessary permits required for the dredged material placement will be provided to the Government.

The purpose of the proposed work is to alleviate the effects of shoaling, thereby assuring safe navigation and facilitating economical use of the Browns Creek by commercial and recreational boating interests while providing beneficial use of the dredged material.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0136.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, Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by

filing their comments, in writing, no later than 4:30 p.m., 15-days from the date of publication of this notice, or, April, 27, 2023.

*Comments should be addressed to:* Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto: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-2023-0163

Date of Issuance – April 12, 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-2023-0163, New York State Office of Parks Recreation and Historical Preservation/Beaver Island State Park is proposing to establish a 1.3-acre oval-shaped wetland area by removing soils between elevation of 584 and 563 feet NAVD. Approximately 9,209 cubic yards of soils will be excavated over an area of 2.1 acres. The excavated soil will be used on-site to create a gradual slope along the floodplain terrace, down to the shoreline of the Niagara River. Aquatic habitat within the Project wetland will be enhanced with the placement of a rock pile and porcupine crib. The rock pile will be constructed with NYSDOT Section 733-21 medium stone fill placed over geotextile. It will be triangular in shape, with a 3-foot height and 11-foot width at the base. One porcupine crib will be constructed of rough-cut hemlock or poplar lumber with natural stone boulders for anchoring. Both the rock pile and porcupine crib will be placed near the center of the enhanced wetland. A surface connection will be created between the Niagara River and the adjacent enhanced wetland via an open channel connection with a grade control structure in the form of a log. One 62-foot, 12-inch diameter log will be placed parallel to the Niagara River above the water's edge the top of the log will be placed at the channel bottom to serve as a grade control structure near the interface between the wetland and the Niagara River. The project would result in 32.5cy of material being excavated from below the plan of Ordinary High Water and the excavation of 3,875cy of materials from a delineated wetland. All excavated materials would be placed upland.

The proposal is located at Beaver Island State Park, 2136 West Oakfield Road, on Grand Island in Niagara County.

The stated purpose of the proposed action is "to restore coastal wetland habitat along the Niagara River, through design implementation that will demonstrate functional uplift of the simplified and managed wetland (W101) that currently exists... The result will involve the establishment of submerged, deep emergent, shallow emergent, and wet meadow habitats. The Project will directly increase acreage and diversity of wetland habitat. This Project will also contribute to the removal of the Loss of Fish and Wildlife Habitat Beneficial Use Impairment (BUI) within the Niagara River Area of Concern (AOC)... This Project will assist in demonstrating that restoration projects within the AOC will have completed more than the threshold requirement for restoration (approximately 100 acres) in the quest for removing the Loss of Fish and Wildlife Habitat BUI."

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0163.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, 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 12, 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, New York 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-2023-0165 (DA)

Date of Issuance – April 12, 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 (the Corps) has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination 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, Albany, New York.

In F-2023-0165, The New York District, U.S. Army Corps of Engineers proposes to perform maintenance dredging of critical shoals within the Long Island Intracoastal Waterway Federal Navigation Channel (LIIW) at Moriches Bay, with placement of dredged sand along the ocean shoreline of Cupsogue Beach County Park and Smith Point County Park.

This section of the LIIW was last dredged in 2022, by pipeline dredge (cutterhead), with the removal of 68,270 cubic yards (CY) of sand and placement on the ocean shoreline of Cupsogue Beach County Park. The proposed maintenance dredging will remove approximately 70,000 CY of sand from the LIIW to a depth of -6 feet MLLW plus two (2) feet allowable overdepth. The proposed work will dredge three (3) sandy shoals within LIIW at Moriches Bay. The proposed shoreline placement site for Shoal 1 will be the ocean beach of Smith Point County Park and for Shoal 2 & 3 will be the ocean beach of Cupsogue Beach County Park. Maintenance dredging of the channel is usually accomplished by a pipeline dredge (cutterhead) or similar plant. The entire LIIW will not require maintenance dredging, only areas where shoaling has reduced the depth of the channel will require dredging. Dredging and placement is anticipated to be completed in the fall/winter of the dredging year, subject to availability of funds.

The dredged sand is proposed to be placed along the ocean shoreline of Smith Point County Park and Cupsogue Beach County Park for shoreline stabilization purposes. The dredged sand will be transported by pipeline or similar dredge and deposited at the designated site.

The purpose of the proposed dredging is to remove critical shoals along LIIW and to maintain the authorized Channel dimensions, thereby assuring safe and economical use of LIIW users. Failure to conduct the maintenance dredging and placement activities could lead to life threatening emergency situations in which the U.S. Coast Guard search and rescue boats would be unable to respond to lifesaving missions.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0165.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, Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15-days from the date of publication of this notice, or April, 27, 2023.

*Comments should be addressed to:* Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

## PUBLIC NOTICE

Department of State  
F-2023-0166 (DA)

Date of Issuance – April 12, 2023

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

The United States Coast Guard (USCG) Civil Engineering Unit Providence has determined that the proposed activity complies with and will be conducted in a manner consistent to the maximum extent practicable with the approved New York State Coastal Management Program. The agency's consistency determination 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, Albany, New York.

In F-2023-0166, The USCG Civil Engineering Unit Providence proposes to replace 580 square foot small boat floating dock and four 14" dia. guide piles with a new 690 square foot floating dock and four 18" diameter guide piles; replace hardware, repair gangways, and recoat or replace eight 14" dia. guide piles in-kind on 1,080 square foot WPB floating dock; Repair utility lines in-kind on 1,280 square foot fixed timber pier; repair holes and displaced fill in 570 linear feet gabion seawall and extend 24 linear feet at the eroded return. The project site is at the USGC STA Montauk Marina located on Lake Montauk, in the Town of Montauk in Suffolk County.

The USCG is an emergency response agency and relies heavily on its waterfront infrastructure to provide access to its floating assets. At STA Montauk, these assets include multiple response boats, the 87-foot Kingfisher Patrol Boat, and multiple boats owned by the Town of East Hampton (partner agency). Missions supported by STA Montauk include first responder transit, search & rescue deployment, marine fisheries enforcement, combating drug smuggling, and homeland security efforts. To be effective at these missions, it is critical that the waterfront infrastructure at STA Montauk remain in a safe and functional condition to allow for STA personnel to access floating assets on a 24/7 basis, including during extreme weather conditions. Based on recent inspections, the waterfront infrastructure at STA Montauk is in need of repair. In summary: Small Boat Floating Dock is 36 years old and is in serious condition. Defects including listing, spalling concrete, guide pile and steel frame corrosion, and gangway wear; WPB Floating Dock is 19 years old and is in poor condition. Defects include listing resulting from missing buoyancy floats, guide pile and steel frame corrosion, connection hardware corrosion, fender rot and damage, gangway wear, and loose hardware; Fixed Timber Pier is 19 years old and is in satisfactory condition. Defects include missing utility hanger brackets and insulation; Gabion Seawall is 44 years old and is in poor condition. Defects include corrosion holes developing in the gabion mesh, displaced stone fill, sagging gabion cap baskets, and erosion beyond the return. Failure to address the above issues could negatively impact STA Montauk's ability to respond to life threatening situations and emergencies within the Long Island area.

The agency's consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/04/f-2023-0166.pdf> or at <https://dos.ny.gov/public-notices>

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*Comments should be addressed to:* Department of State, Office of Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

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

**PUBLIC NOTICE**

Department of State  
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.

2023-0150 Matter of Precision Designs Architecture, PC, Samuel Ciccolella, RA AIA, 52 Commerce Drive, Farmingdale, NY 11735, for a variance concerning safety requirements, including ceiling height and height under projection. Involved is an existing dwelling located at 280 North Virginia Avenue, Massapequa, Town of Oyster Bay, County of Nassau, State of New York.

2023-0154 Matter of Leon Jaworowski, Six Glover Circle, Lynbrook, NY 11565, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 95 Home Street, Village of Malverne, County of Nassau, State of New York.

2023-0156 Matter of James F. Thorton II, Eight Wichard Drive, Oakdale, NY 11769, for a variance concerning safety requirements, including height under projection. Involved is an existing dwelling located at 15 Locust Lane, Inc. Village of Upper Brookville, County of Nassau, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

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

2023-0158 in the Matter of KTM Architect, Kimberly T. Martelli, 700 Fenimore Road, 2nd Fl., Mamaroneck, NY 10543, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at Six James Drive, City of New Rochelle, NY 10804, County of Westchester, State of New York.

2023-0159 in the Matter of Nina Wright, 21 Barnard Avenue, Poughkeepsie, NY 12601, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 21 Barnard Avenue, City of Poughkeepsie, NY 12601, County of Dutchess, State of New York.

2023-0160 in the Matter of Paul Gaspar, 73 Sunset Road, Montrose, NY 10548, for a variance concerning safety requirements, including spa barrier. Involved is a one family dwelling located at 73 Sunset Road, Town of Cortlandt, NY 10548, County of Westchester, State of New York.

2023-0162 in the Matter of Workshop/APD Architecture D.P.C., Tyler Marshall, 39 West 38th Street, 7th Floor, New York, NY 10018, for a variance concerning safety requirements, including pool barrier. Involved is a one family dwelling located at 25 Park Avenue, Village of Larchmont, NY 10538, County of Westchester, State of New York.

2023-0163 in the Matter of Joseph R. Crocco Architects, Joseph R. Crocco, Four Macdonald Avenue, Suite 5, Armonk, NY 10504, for a variance concerning safety requirements, including headroom in stairway. Involved is a one family dwelling located at 67 Gladstone Road, City of New Rochelle, NY 10804, County of Westchester, State of New York.

2023-0164 in the Matter of Nexus Creative Architecture Planning Design DPC, John D. Fry, 100 White Plains Road, Tarrytown, NY 10591, for a variance concerning safety requirements, including mezzanine ceiling height. Involved is a three story building located at 63-67 Central Avenue, Village of Ossining, NY 10562, County of Westchester, State of New York.

