
NEW YORK STATE

REGISTER

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Notice of Availability of State and Federal Funds

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 July 2, 2023
- the 45-day period expires on June 17, 2023
- the 30-day period expires on June 2, 2023

**KATHY HOCHUL
GOVERNOR**

**ROBERT J. RODRIGUEZ
SECRETARY OF STATE**

NEW YORK STATE DEPARTMENT OF STATE

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E-mail: dos.dl.inetcounsel@dos.ny.gov

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dos.ny.gov/state-register



The *New York State Register* (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

 printed on recycled paper

NEW YORK STATE REGISTER

Be a part of the rule making process!

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

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

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

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

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

Each paid subscription to the *New York State Register* includes one weekly issue for a full year and four "Quarterly Index" issues. The Quarterly is a cumulative list of actions that shows the status of every rule making action in progress or initiated within a calendar year.

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NYS Department of State
One Commerce Plaza
99 Washington Avenue
Suite 650
Albany, NY 12231-0001
Telephone: (518) 474-6957

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

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

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

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

Department of Civil Service

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00001-A
Filing No. 332
Filing Date: 2023-04-18
Effective Date: 2023-05-03

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

Action taken: Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class and to classify a position from the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00001-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00002-A
Filing No. 334
Filing Date: 2023-04-18
Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00003-A
Filing No. 342
Filing Date: 2023-04-18
Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00004-A

Filing No. 331

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00004-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00005-A

Filing No. 335

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00005-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00006-A

Filing No. 346

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00006-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00007-A

Filing No. 322

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00007-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00008-A

Filing No. 330

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00008-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00009-A

Filing No. 329

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00009-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00010-A

Filing No. 321

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 of NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00010-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00011-A

Filing No. 333

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 2 of Title NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00011-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00012-A

Filing No. 337

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00012-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00013-A

Filing No. 323

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00013-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00014-A

Filing No. 345

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00014-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00015-A

Filing No. 326

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00015-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00016-A

Filing No. 325

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00016-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-02-23-00017-A

Filing No. 327

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the January 11, 2023 issue of the Register, I.D. No. CVS-02-23-00017-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-06-23-00001-A

Filing No. 324

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To delete and to classify a position in the exempt and non-competitive classes.

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00001-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-06-23-00002-A

Filing No. 340

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00002-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Jurisdictional Classification

I.D. No. CVS-06-23-00003-A

Filing No. 338

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00003-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-06-23-00004-A

Filing No. 343

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the exempt class.

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00004-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-06-23-00005-A

Filing No. 341

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To classify a position in the exempt class.

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00005-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-06-23-00006-A

Filing No. 339

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendices 1 and 2 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00006-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-06-23-00007-A

Filing No. 344

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Appendix 1 of Title 4 NYCRR.

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

Subject: Jurisdictional Classification.

Purpose: To delete a position from and to classify a position in the exempt class.

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00007-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-06-23-00008-A

Filing No. 328

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

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

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00008-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION**Jurisdictional Classification**

I.D. No. CVS-06-23-00009-A

Filing No. 336

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

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

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

Subject: Jurisdictional Classification.

Purpose: To classify positions in the non-competitive class.

Text or summary was published in the February 8, 2023 issue of the Register, I.D. No. CVS-06-23-00009-P.

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

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

Assessment of Public Comment

The agency received no public comment.

Department of Corrections and Community Supervision

NOTICE OF ADOPTION

Disposition for Violations of the Conditions of Release

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

Filing No. 310

Filing Date: 2023-04-17

Effective Date: 2023-05-03

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

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

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

Subject: Disposition for violations of the conditions of release.

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

Text or summary was published in the February 23, 2022 issue of the Register, I.D. No. CCS-08-22-00007-EP.

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

Revised rule making(s) were previously published in the State Register on January 4, 2023.

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

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is no later than the 5th year after the year in which this rule is being adopted.

Assessment of Public Comment

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

An Assessment of Public Comment (hereinafter "First Assessment") was published on the DOCCS website (www.doccs.ny.gov/rules-regulations), as part of the emergency readoption of the rules published in the July 20, 2022 issue of the State Register responding to the comments received and noting that, with respect to certain comments, further consideration would be made by the Board. The Board completed its consideration of the comments received and, where appropriate, revised the rulemaking. A second Assessment of Public Comments was published as part of the revised rulemaking and emergency adoption published in the January 4, 2023 issue of the State Register (hereinafter the "Second Assessment").

In response to the revised rulemaking published on January 4, 2023, the Board received a second submission from the #LessIsMoreNY Campaign, which included numerous substantial comments upon many topics and provisions of the rulemaking.

These comments addressed a large number of specific topics and provisions of the rulemaking, including: the definitions applicable to the

subtitle, the computation of time assessments; the provisions governing the contents, timing and service of required notices; the classification of technical violations for which incarceration is an authorized penalty; the procedures for appealing or vacating determinations sustaining violations; the conduct and purpose of the recognizance hearing; procedures governing the conduct and location of preliminary and final revocation hearings, including adjournment and determination issuance; and; the procedures for facilitating the presence of non-profit service providers at final revocation hearings.

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

The full text of the Assessment of Public Comments, which exceeds 2,000, words, may be found on the agency's website at: <https://doccs.ny.gov/rules-regulations>

Department of Economic Development

NOTICE OF ADOPTION

Excelsior Jobs Program

I.D. No. EDV-42-22-00001-A

Filing No. 309

Filing Date: 2023-04-13

Effective Date: 2023-05-03

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

Action taken: Amendment of Parts 190-196; addition of Part 197 to Title 5 NYCRR.

Statutory authority: L. 2022, ch. 494

Subject: Excelsior Jobs Program.

Purpose: Update the administrative process of the Program to allow for eligibility of Green CHIPS projects.

Substance of final rule: The regulation amends the Excelsior Jobs program to allow for the eligibility of Green CHIPS projects and is summarized as follows:

The regulation begins by defining key terms necessary to allow Green CHIPS projects into the program. These include but are not limited to: "Green CHIPS benefit-cost ratio"; "Green CHIPS community plan"; "Green CHIPS sustainability plan"; "Green CHIPS report"; "Green CHIPS project"; "Semiconductor manufacturing and related equipment and material supplier sector"; "Semiconductor and related device manufacturing industry"; and "Semiconductor machinery manufacturing industry." In addition, certain definitions were added to conform the regulation to recent statutory changes made by the New York Textile Act.

In articulating the application and review process for the program, the regulation requires an applicant for Green CHIPS projects to provide to the Department, for approval, a Green CHIPS sustainability plan and a Green CHIPS community plan.

The regulation then articulates the structure of Green CHIPS projects.

For example, participants engaging in a Green CHIPS project may provide a range of estimated net new jobs to the Department that consists of a lower-bound "estimated number of net new jobs" and an upper-bound "maximum number of net new jobs." For the purposes of calculating whether a participant has met its minimum number of net new jobs to be subject to the pro-ration, the lower-bound estimated number of net new jobs shall be used. For purposes of calculating the jobs tax credit that may be available to a Green CHIPS participant in any given year, the upper-bound maximum number of net new jobs shall be used.

In presenting its net new jobs schedules to the Department, the estimated and maximum number of net new jobs shall be the same in year 10 of each project phase. In addition, the estimated and maximum number of net new jobs schedules must be reasonably justified by the Green CHIPS participant and approved by Department. The Department may adopt standards to establish a reasonable relationship between the two schedules and shall approve or reject such schedules in their sole discretion.

With respect to investment, each Green CHIPS participant will have a cap on the annual amount of investment tax credits it can be issued, provided that: 1) if a participant initially falls short on its investment goal

pursuant to the schedule of benefits, it may amend its schedule commensurate with the shortfall to allow for increased investment in future schedule years and/or phases; and 2) if a participant exceeds its investment goal, the excess investment shall carry forward as counting toward future year investment goals. However, if a participant fails to meet its estimated net new jobs commitment as outlined above in any given year, then it shall face a pro-rated or complete loss of investment tax credit component and research and development tax credit components.

In addition, the regulation clarifies that for Green CHIPS participants who are awarded and accept a phase two schedule of benefits, any investment and net new jobs made or created subsequent to the eligibility date established by the certificate of eligibility but prior to year one of phase one shall count towards the tax credit. If a participant elects to postpone the commencement of phase two after completing phase one, it shall be required to submit a "request for temporary extension" to the Department for each year in which it requests the postponement. Such request for temporary extension shall include, to the satisfaction of the Department, the reasons for the requested postponement (e.g., industry demand slowdown, industry oversupply conditions, etc.). Provided that each request for temporary extension is granted by the Department at its sole discretion and if the participant is awarded and accepts a phase two schedule, upon commencing its phase two schedule of benefits, the value of investment not counted in phase one and made prior to the start of phase two shall be counted as progress toward its investment goals, as shall any excess investment made during phase one.

The regulation clarifies that any excess investments made or net new jobs created prior to the award and acceptance of a phase two schedule by a participant shall not be counted as progress towards its phase two investment or net new job goals.

The regulation next inserts Green CHIPS projects into the list of eligible strategic industries for the program.

After this, the regulation delineates certain additional eligibility criteria that Green CHIPS participants must comply with in order to be eligible for the program – specifically, certain prevailing wage, sustainability, and community and workforce benefit requirements. It then addresses the specific consequences of noncompliance with these three additional eligibility requirements for Green CHIPS projects.

The regulation next amends the calculation of the tax credit components section to allow participants engaging in Green CHIPS projects to receive enhanced tax benefits. Importantly, with respect to the jobs tax credit, only the first two hundred thousand dollars of gross wages per job shall be eligible and starting in 2023 and each year thereafter, the maximum amount of gross wages per job for a Green CHIPS project shall be adjusted for inflation at an annual amount determined by the commissioner in a manner substantially similar to the cost of living adjustments calculated by the United States Social Security Administration based on changes in consumer price indices or a rate of four percent per year, whichever is higher.

The regulation amends the discounted rates for gas and electric service section to emphasize that special Excelsior Job Program rates shall remain available to a Green CHIPS project for its second ten-year schedule of benefits in the event the project enters into a second phase.

Next, the regulation requires that a Green CHIPS participant must annually submit a Green CHIPS report to the Department. Participants must also separately submit evidence annually to the Department documenting compliance with its Green CHIPS project obligations in a form and manner prescribed by the Department, which may include, but need not be limited to, attestations under penalty of perjury, forms, receipts and other supporting documentation.

Finally, the regulation notes that in the case of Green CHIPS projects, a given year's cap shall be the sum of \$500 million and the balance of any available carryforward credits not yet issued and allowed pursuant to such section.

The text of the rulemaking is available at <https://esd.ny.gov/excelsior-jobs-program>.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 190.2(a), (v), (ap), 191.1(f), (g), 191.2(b)(2), (h) 191.4(a)(3), (4) and 197.1.

Text of rule and any required statements and analyses may be obtained from: Thomas Regan, Dept. of Economic Development, 625 Broadway, Albany, NY 12245, (518) 292-5110, email: thomas.regan@esd.ny.gov

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

As there have been no substantive changes to the last published rule, there are no changes to the previously published Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement.

Initial Review of Rule

As a rule that does not require a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2025, which is no later than the 5th year after the year in which this rule is being adopted

Assessment of Public Comment

The Department of Economic Development received four sets of public comment on the proposed regulation. The following is a synopsis of the comments and the Department's response:

1. Comment

Two Commenters suggested that ESD should lower or eliminate the minimum investment requirement of \$3 billion and the minimum net new job requirement (500) for Green CHIPS Excelsior benefits. A commenter also suggested that Green CHIPS incentives be expanded to any semiconductor project without such requirements.

Response

ESD appreciates the comment but the minimum investment and net new job requirements for semiconductor projects which trigger enhanced Green CHIPS benefits are fixed in statute. A legislative amendment would be needed to reduce or eliminate them.

2. Comment

Commenters encourage ESD to publish standards regarding what may constitute a reasonable relationship between the lower bound and upper bound numbers in Green CHIPS preliminary schedules of benefits.

Response

ESD intends to evaluate Green CHIPS projects on a case by case basis and may issue guidance on their schedules of benefits as needed.

3. Comment

Commenters suggest that because ESD will be utilizing a lower bound jobs number to measure a variety of program requirements for Green CHIPS projects, the regulation be clarified to reference such "lower bound" number where applicable.

Response

ESD has modified the regulation to clarify this point.

4. Comment

Commenters suggest a technical correction that clarifies the fact that qualified investments and net new jobs made between the issuance of the certificate of eligibility and the start of year one of the first phase of a Green CHIPS projects may be counted.

Response

ESD has made such clarification in the regulations and has also added to language to ensure that a Green CHIPS participant cannot count excess jobs and investment made during phase 1 before being awarded and accepting a phase 2 schedule of benefits.

5. Comment

Commenters suggest ESD amends the regulations to make clear that the traditional Excelsior projects and Green CHIPS projects are not lumped into a single statutory cap.

Response

ESD has clarified this in its final regulations.

6. Comment

Commenters suggest a cross reference clarification regarding compliance on Green CHIPS projects.

Response

ESD has made a clarification on compliance for Green CHIPS projects in the final regulations.

Education Department

**EMERGENCY/PROPOSED
RULE MAKING**

NO HEARING(S) SCHEDULED

Requirements for Admission to the Examination for Licensure as an Engineer

I.D. No. EDU-18-23-00009-EP

Filing No. 315

Filing Date: 2023-04-18

Effective Date: 2023-04-18

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

Proposed Action: Amendment of section 68.3 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207 and 7206; L. 2021, ch. 465

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

Specific reasons underlying the finding of necessity: The Department

proposes to amend section 68.3 of the Commissioner's regulations to reflect the intent of Chapter 465 of the Laws of 2022 by allowing the "all experience" pathway applicants to sit for the fundamentals of engineering examination provided that they meet the pathway's requirements prescribed in section 68.1(c) of the Commissioner's regulations.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the July 2023 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the July 2023 meeting, would be August 2, 2023, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the April 2023 meeting, effective April 18, 2023, for the preservation of the general welfare to immediately conform the Commissioner's regulations to Chapter 465 of the Laws of 2021, which became effective April 6, 2022.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the July 2023 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the July 2023 Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the June 2023 Regents meeting.

Subject: Requirements for admission to the examination for licensure as an engineer.

Purpose: To reflect the intent of chapter 465 of the Laws of 2021 by continuing to allow "all experience" pathway applicants to sit for the fundamentals of engineering examination.

Text of emergency/proposed rule: Subdivision (b) of section 68.3 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Admission to examinations.

(1) To meet the requirements for admission to the fundamentals of engineering examination, an applicant shall either:

(i)...

(ii)...

(iii) have met the education requirement of 68.1(b)(4) or (5); or

(iv) as prescribed in section 68.1(c) of this Part, have earned at least six education/experience credits and submitted an application for licensure with the required fee to the department prior to April 6, 2024,

(2)...

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 July 16, 2023.

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

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

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

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

Section 7206 of the Education Law defines the Requirements for a License as a Professional Engineer.

Subdivision (4) of section 7206 of the Education Law, as added by Chapter 465 of the Laws of 2021, permits applicants, who file with the Department within two years of the effective date of this subdivision, an application and fee requirements pursuant to paragraphs (1) and (8) of subdivision (1) of this section and who, at such time or anytime thereafter, demonstrate to the satisfaction of the Department that they have 12 years of practical experience in work satisfactory to the State Board for Engineering, Land Surveying and Geology may substitute such experience for the degree and experience requirements specified in paragraphs

(2) and (3) of subdivision (1) of this section, provided that each full year of study in engineering satisfactory to the Department may at the discretion of the State Board for Engineering, Land Surveying and Geology be accepted in lieu of up to two years of the required 12 years of experience.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the aforementioned statute and is necessary to fix a clerical error in the adoption of amendments to section 68.3 of the Commissioner's regulations that were adopted by the Board of Regents at their July 2022 meeting.

At its July 2022 Regents meeting, the Board of Regents voted to permanently adopt amendments to section 68.3 of the Commissioner's regulations relating to the education, examinations, and experience requirements for licensure in the profession of professional engineering. This amendment updated such requirements effective April 18, 2023.

Due to a clerical error, the July 2022 amendments to the Commissioner's regulations filed with the Department of State inadvertently omitted a subdivision of 68.3(b) of the Commissioner's regulations. The omitted text of the regulation failed to provide for those individuals who would otherwise qualify to take an examination under a sunset pathway to sit for the Fundamentals of Engineering examination. Therefore, the proposed amendment is necessary to resolve this clerical error.

3. NEEDS AND BENEFITS:

Due to a clerical error, amendments to section 68.3 of the Commissioner's regulations filed with the Department of State concerning licensure in the profession of engineering inadvertently omitted a subdivision of 68.3(b) of the Commissioner's regulations that would provide for those individuals who would otherwise qualify to take an examination under a sunset pathway to sit for the Fundamental of Engineering examination under the regulations adopted by the Board of Regents at its July 2022 meeting. Therefore, the proposed amendment is necessary to resolve this clerical error by inserting the omitted language.

4. COSTS:

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

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

(c) Costs to private regulated parties. There are no additional costs to private regulated parties.

(d) Costs to the regulatory agency. There are no additional costs to the State Education Department.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendment imposes no new forms, reporting requirements, or other recordkeeping or paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed amendment to section 68.3 of the Regulations of the Commissioner of Education is necessary to resolve a clerical error by fixing discrepancies in language that was adopted by the Board of Regents and the language that was filed with the Department of State. There are no significant alternatives to the proposed amendment, and none were considered.

9. FEDERAL STANDARDS:

No Federal standards apply to the subject of this proposed rule making. Since there are no applicable federal standards, the proposed rule does not exceed any minimum federal standards for the same or similar subject areas.

10. COMPLIANCE SCHEDULE:

It is anticipated that regulated parties will be able to comply with the proposed amendment by the effective date.

Regulatory Flexibility Analysis

At its April 2023 Regents meeting, the Board of Regents voted to permanently adopt amendments to section 68.3 of the Commissioner's regulations relating to the requirements for admission to the examination for licensure in the profession of engineering. This amendment updated such requirements effective April 18, 2023.

Due to a clerical error, the July 2022 amendments to the Commissioner's regulations filed with the Department of State inadvertently omitted a subdivision of 68.3(b) of the Commissioner's regulations. The omitted text of the regulation failed to provide for those individuals who would otherwise qualify to take an examination under a sunset pathway to sit for the Fundamentals of Engineering examination. Therefore, the proposed amendment is necessary to resolve this clerical error.

The proposed rule will not impose any reporting, recordkeeping or other compliance requirements or costs or have any adverse economic impact on small businesses or local governments. Because it is evident from the

proposed rule that it will not adversely affect small businesses or local governments, no affirmative steps were needed to ascertain that fact and none were taken. Accordingly, a regulatory flexibility analysis for small businesses and local governments is not required, and one has not been prepared.

Rural Area Flexibility Analysis

At its April 2023 Regents meeting, the Board of Regents voted to permanently adopt amendments to section 68.3 of the Commissioner’s regulations relating to the requirements for admission to the examination for licensure in the profession of engineering. This amendment updated such requirements effective April 18, 2023.

Due to a clerical error, the July 2022 amendments to the Commissioner’s regulations filed with the Department of State inadvertently omitted a subdivision of 68.3(b) of the Commissioner’s regulations. The omitted text of the regulation failed to provide for those individuals who would otherwise qualify to take an examination under a sunset pathway to sit for the Fundamentals of Engineering examination. Therefore, the proposed amendment is necessary to resolve this clerical error.

The proposed amendment will not impose any adverse economic impact on regulated parties located in rural areas. Likewise, the proposed amendment will not impose any reporting, record keeping or other compliance requirements on regulated parties located in rural areas. Therefore, no rural area flexibility analysis is required pursuant to Section 202-bb(4)(a) of the State Administrative Procedure Act, and none has been prepared.

Job Impact Statement

At its April 2023 Regents meeting, the Board of Regents voted to permanently adopt amendments to section 68.3 of the Commissioner’s regulations relating to the requirements for admission to the examination for licensure in the profession of engineering. This amendment updated such requirements effective April 18, 2023.

Due to a clerical error, the July 2022 amendments to the Commissioner’s regulations filed with the Department of State inadvertently omitted a subdivision of 68.3(b) of the Commissioner’s regulations. The omitted text of the regulation failed to provide for those individuals who would otherwise qualify to take an examination under a sunset pathway to sit for the Fundamentals of Engineering examination. Therefore, the proposed amendment is necessary to resolve this clerical error.

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

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

Deadline to Apply and Qualify for the Provisional School Counselor Certificate

I.D. No. EDU-18-23-00010-EP

Filing No. 317

Filing Date: 2023-04-18

Effective Date: 2023-04-18

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

Proposed Action: Amendment of section 80-2.1 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

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

Specific reasons underlying the finding of necessity: At its May 2017 meeting, the Board of Regents adopted regulatory amendments establishing new Initial and Professional School Counselor certificates and the registration requirements for school counselor education programs that lead to these certificates. Institutions of higher education admitting new candidates for school counselor certification were required to register programs leading to Initial and Professional School Counselor certification by September 1, 2021. The Initial and Professional School Counselor certificates became available on February 2, 2023.

Candidates must have applied and qualified for the Provisional School Counselor certificate under the previous requirements prior to February 2, 2023 (8 NYCRR 80-2.1(a)(1)(iii)). On that date, the application for the Provisional School Counselor certificate and the ability for institutions to

recommend candidates for this certificate were no longer available. Therefore, candidates who qualified for Provisional School Counselor certification prior to February 2, 2023 but did not apply for the certificate prior to this date would need to pursue the new Initial or Professional School Counselor certificate instead.

The coursework and clinical experience requirements for Provisional School Counselor certification and registered programs leading to this certificate were different from the coursework and clinical experience requirements for Initial and Professional School Counselor certification and registered programs leading to these certificates. As such, candidates who completed a registered program leading to Provisional School Counselor certification may not be eligible for an Initial or Professional School Counselor certificate through the individual evaluation pathway and may need to complete additional requirements.

The Department has become aware of candidates who completed a registered program leading to Provisional School Counselor certification prior to February 2, 2023 but did not submit an application and pay the application fee for the certificate prior to this date or did not receive an institutional recommendation for certification by this date. To hold these candidates harmless, the Department is proposing to extend the date by which candidates who complete a registered program leading to Provisional School Counselor certification would need to apply and qualify for this certificate to February 2, 2024.

The proposed amendment would provide appropriate flexibility for qualified candidates who completed a registered program leading to Provisional School Counselor certification, as well as candidates who may still be matriculating in this type of program but will complete it by February 2, 2024. This will ensure that these candidates can seamlessly obtain Provisional certification, so that there will be a larger pool of candidates to provide school counselor services. School counselor services are of critical importance, particularly given their important role in working with children who are dealing with challenges stemming from the COVID-19 pandemic.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (non-emergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2023 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 27, 2023, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the April 2023 meeting for the preservation of the general welfare to immediately extend the date by which candidates who completed a registered program leading to Provisional School Counselor certification would need to apply and qualify for this certificate to February 2, 2024.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at its September 2023 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for State agency rulemaking. However, since the emergency action will expire before the September 2023 Regents meeting, it is anticipated that an additional emergency actions will be presented for adoption at the June and September 2023 Regents meeting.

Subject: Deadline to apply and qualify for the provisional school counselor certificate.

Purpose: To extend the deadline to apply and qualify for the provisional school counselor certificate for candidates who completed a registered program leading to Provisional School Counselor certification, as well as candidates who may still be matriculating in this type of program but will complete it by February 2, 2024.

Text of emergency/proposed rule: Subparagraph (iii) of paragraph (1) of subdivision (a) of section 80-2.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(iii) Candidates who apply and qualify for the provisional certificate in the title school counselor prior to February 2, 2023 shall be subject to the requirements of this Subpart. Candidates who do not meet these requirements shall be subject to the requirements of Subpart 80-3 of this Part, unless otherwise specifically prescribed in this Part. *The requirement that the candidate must apply and qualify for the provisional certificate in the title school counselor prior to February 2, 2023 shall not apply to a candidate who has completed a program leading to such certificate registered pursuant to Part 52 of this Title. In that case, the candidate must apply and qualify for the certificate prior to February 2, 2024 to be subject to the requirements of this Subpart.*

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 July 16, 2023.

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

Data, views or arguments may be submitted to: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 473-3781, email: OHERegcomments@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 (not subdivided) charges the Department with the general management and supervision of all public schools and all of the educational work of the state.

Education Law § 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

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

Education Law § 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law § 308 authorizes the Commissioner to enforce and rule or direction of the Regents pertaining to the school system or any part thereof.

Education Law § 3001 establishes the qualifications of teachers in the classroom.

Education Law § 3004 authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law § 3009 prohibits school districts from paying the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to extend the date by which candidates who complete a New York State registered program leading to Provisional School Counselor certification would need to apply and qualify for the Provisional School Counselor Certificate from February 2, 2023 to February 2, 2024. The proposed amendment ensures that these candidates can seamlessly obtain Provisional certification so that there will be a larger pool of candidates to provide school counselor services. School counselor services are of critical importance, particularly given their important role in working with children who are dealing with challenges stemming from the COVID-19 pandemic.

3. NEEDS AND BENEFITS:

At its May 2017 meeting, the Board of Regents adopted regulatory amendments establishing new Initial and Professional School Counselor certificates and the registration requirements for school counselor education programs that lead to these certificates. Institutions of higher education admitting new candidates for school counselor certification were required to register programs leading to Initial and Professional School Counselor certification by September 1, 2021. The Initial and Professional School Counselor certificates became available on February 2, 2023.

Candidates must have applied and qualified for the Provisional School Counselor certificate under the previous requirements prior to February 2, 2023 (8 NYCRR 80-2.1(a)(1)(iii)). On that date, the application for the Provisional School Counselor certificate and the ability for institutions to recommend candidates for this certificate were no longer available. Therefore, candidates who qualified for Provisional School Counselor certification prior to February 2, 2023 but did not apply for the certificate prior to this date would need to pursue the new Initial or Professional School Counselor certificate instead.

The coursework and clinical experience requirements for Provisional School Counselor certification and registered programs leading to this certificate were different from the coursework and clinical experience requirements for Initial and Professional School Counselor certification and registered programs leading to these certificates. As such, candidates who completed a registered program leading to Provisional School Counselor certification may not be eligible for an Initial or Professional School Counselor certificate through the individual evaluation pathway and may need to complete additional requirements.

The Department has learned of candidates who completed a registered program leading to Provisional School Counselor certification prior to February 2, 2023 but did not submit an application and pay the application fee for the certificate prior to this date or did not receive an institutional recommendation for certification by this date. To hold these candidates harmless, the Department is proposing to extend the date by which candidates who complete a New York State registered program leading to Provisional School Counselor certification would need to apply and qualify for this certificate to February 2, 2024.

The proposed amendment would provide appropriate flexibility for qualified candidates who completed a registered program leading to Provisional School Counselor certification, as well as candidates who may still be matriculating in this type of program but will complete it by February 2, 2024. This will ensure that these candidates can seamlessly obtain Provisional certification, so that there will be a larger pool of candidates to provide school counselor services. School counselor services are of critical importance, particularly given their important role in working with children who are dealing with challenges stemming from the COVID-19 pandemic.

4. COSTS:

a. Costs to State government: The amendment does not impose any costs on State government, including the State Education Department.

b. Costs to local government: The amendment does not impose any costs on local government.

c. Costs to private regulated parties: The amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed rule is necessary to extend the date by which candidates who complete a New York State registered program leading to Provisional School Counselor certification would need to apply and qualify for the Provisional School Counselor Certificate from February 2, 2023 to February 2, 2024. The proposed amendment ensures that these candidates can seamlessly obtain Provisional certification so that there will be a larger pool of candidates to provide school counselor services. School counselor services are of critical importance, particularly given their important role in working with children who are dealing with challenges stemming from the COVID-19 pandemic. There were no alternatives and none were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

The proposed rule will take effect as an emergency action on April 18, 2023. It is anticipated that the proposed rule will be presented to the Board of Regents for permanent adoption at its September 2023 meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for State agency rulemaking. However, since the emergency action will expire before the September 2023 Regents meeting, it is anticipated that additional emergency actions will be presented for adoption at the June and September 2023 Regents meeting. It is anticipated that regulated parties will be able to comply with the proposed rule on its effective date, as the proposed rule merely provides flexibility for qualified candidates who completed a registered program leading to Provisional School Counselor certification, as well as candidates who may still be matriculating in this type of program but will complete it by February 2, 2024.

Regulatory Flexibility Analysis

The purpose of the proposed amendment of section 80-2.1 of the Regulations of the Commissioner of Education is to extend the date by which candidates who complete a New York State registered program leading to Provisional School Counselor certification would need to apply and qualify for the Provisional School Counselor Certificate from February 2, 2023 to February 2, 2024. The proposed amendment ensures that these candidates can seamlessly obtain Provisional certification so that there will be a larger pool of candidates to provide school counselor services. School counselor services are of critical importance, particularly given their important role in working with children who are dealing with challenges stemming from the COVID-19 pandemic.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed amendment applies to all candidates who complete a New York State registered program leading to Provisional School Counselor certification and apply and qualify for the Provisional School Counselor Certificate prior to February 2, 2024, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

The purpose of the proposed amendment of section 80-2.1 of the Regulations of the Commissioner of Education is to extend the date by which candidates who complete a New York State registered program leading to Provisional School Counselor certification would need to apply and qualify for the Provisional School Counselor Certificate from February 2, 2023 to February 2, 2024. The proposed amendment ensures that these candidates can seamlessly obtain Provisional certification so that there will be a larger pool of candidates to provide school counselor services. School counselor services are of critical importance, particularly given their important role in working with children who are dealing with challenges stemming from the COVID-19 pandemic.

The proposed amendment does not impose any reporting, recordkeeping, or other compliance or professional services on regulated parties.

3. COSTS:

The proposed amendment does not impose any additional costs on regulated parties.

4. MINIMIZING ADVERSE IMPACT:

The proposed rule merely provides flexibility for qualified candidates who completed a registered program leading to Provisional School Counselor certification, as well as candidates who may still be matriculating in this type of program but will complete it by February 2, 2024, and will have no adverse economic impact on regulated parties, including those located in rural areas of the state. Therefore, no alternatives were considered.

5. RURAL AREA PARTICIPATION:

A Copy of the proposed amendment has been provided to the New York Association of Colleges for Teacher Education for review and comment, which have members located in rural areas.

Job Impact Statement

The purpose of the proposed amendment of section 80-2.1 of the Regulations of the Commissioner of Education is to extend the date by which candidates who complete a New York State registered program leading to Provisional School Counselor certification would need to apply and qualify for the Provisional School Counselor Certificate from February 2, 2023 to February 2, 2024. The proposed amendment ensures that these candidates can seamlessly obtain Provisional certification so that there will be a larger pool of candidates to provide school counselor services. School counselor services are of critical importance, particularly given their important role in working with children who are dealing with challenges stemming from the COVID-19 pandemic.

Because it is evident from the nature of the proposed amendment that it will have no impact on the existing number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

EMERGENCY/PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Education Requirements for Licensure as a Registered Professional Nurse and Licensed Practical Nurse

I.D. No. EDU-18-23-00011-EP

Filing No. 318

Filing Date: 2023-04-18

Effective Date: 2023-04-18

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

Proposed Action: Amendment of section 64.1 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6506, 6507, 6905 and 6906

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

Specific reasons underlying the finding of necessity: The proposed rule eliminates the discrepancy in the manner in which nursing programs from other states are treated when it comes to satisfying the educational requirements for licensure as a registered professional nurse or licensed practical nurse.

To satisfy the education requirement necessary for licensure as a registered professional nurse (RN) or licensed practical nurse (LPN) in New York, for those individuals graduating from a nursing program in a different state, current regulation only requires graduation from a nursing program approved by another state's licensing authority. While the regulation does allow for the satisfaction of the educational requirements for nurse licensure by graduating from a school registered with the department or foreign nursing programs that are "satisfactory to the department," there is no similar requirement that a nursing program approved by the licensing authority of another state within the United States (or a territory/possession thereof) be registered with the department or be satisfactory to the department.

Staff have identified concerning trends with some out of state nursing schools. Additionally, a recent Federal investigation and series of indictments regarding the issuance of fraudulent nursing programs credentialed and approved by various institutions in Florida highlight the dangers presented by this regulatory loophole. "Operation Nightingale" uncovered an alleged scheme involving numerous Florida-based schools that provided more than 7,600 fake diplomas and transcripts¹ to individuals that would eventually go on to seek licensure within the nursing profession in other states, including New York. The State of Florida Commission for Independent Education has determined that some of the implicated schools were operated in a manner contrary to the public health and welfare.

The ability of an individual to satisfy the education requirements for licensure as a RN or LPN by simply graduating from an out-of-state nursing program approved in another state makes New York susceptible to individuals trying to take advantage of the current educational standards and oversight in other states, which may be less stringent than those in New York. This puts New York citizens and employing institutions at risk. The proposed regulatory amendments close the loophole in the educational requirements for nursing by providing that nursing programs or any part thereof approved by another state that are determined not to be satisfactory to the department may not be used by an applicant to satisfy the education requirements for licensure as a nurse in New York.

Since the Board of Regents meets at fixed intervals, the earliest the proposed amendment could be adopted by regular (nonemergency) action after expiration of the 60-day public comment period provided for in the State Administrative Procedure Act (SAPA) sections 201(1) and (5) would be the September 2023 Regents meeting. Furthermore, pursuant to SAPA 203(1), the earliest effective date of the proposed rule, if adopted at the September meeting, would be September 27, 2023, the date the Notice of Adoption would be published in the State Register.

Therefore, emergency action is necessary at the April 2023 meeting, effective April 18, 2023, for the preservation of the public health, safety, and general welfare in order to immediately permit the Department to reject out-of-state nursing programs approved in the original jurisdiction if a nursing program is determined not to be satisfactory to the department.

It is anticipated that the proposed rule will be presented to the Board of Regents for adoption as a permanent rule at the September 2023 Regents meeting, which is the first scheduled meeting after expiration of the 60-day public comment period mandated by SAPA for state agency rule making. However, since the emergency action will expire before the September Regents meeting, it is anticipated that an additional emergency action will be presented for adoption at the June and September 2023 Regents meetings.

¹ <https://oig.hhs.gov/newsroom/media-materials/nightingale/>

Subject: Education requirements for licensure as a registered professional nurse and licensed practical nurse.

Purpose: To permit the department to reject out-of-state nursing programs approved by the licensing authority of another state if a it is determined not to be satisfactory to the department.

Text of emergency/proposed rule: 1. Subdivision (a) of section 64.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(a) Registered professional nursing. To meet the professional education requirement for licensure, the applicant shall have graduated from:

(1) ...

(2) a program in nursing approved by the licensing authority in another state, territory or possession of the United States as preparation for practice as a registered professional nurse *unless such program or any part thereof has been determined not to be satisfactory to the department;* or

(3) ...

2. Subdivision (b) of section 64.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(b) Licensed practical nursing. To meet the education requirements for licensure, the applicant shall have graduated from high school or its equivalent, and shall have:

(1) graduated from a program in nursing registered by the department or approved by the licensing authority in another state, territory, or possession of the United States as preparation for practice as a licensed practical nurse *unless such program or any part thereof has been determined not to be satisfactory to the department*;

- (2) ...
(3) ...
(4) ...

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 July 16, 2023.

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

Data, views or arguments may be submitted to: Sarah S. Benson, Deputy Commissioner, NYS Education Department, Office of the Professions, 89 Washington Avenue, 2nd Floor EB, West Wing, Albany, NY 12234, (518) 486-1727, email: REGCOMMENTS@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

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

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

Section 6506 of the Education Law authorizes the Board of Regents to supervise the admission to and the practice of the professions.

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

Section 6905 of the Education Law establishes the licensure requirements for registered professional nurses.

Section 6906 of the Education Law establishes the licensure requirements for licensed professional nurses.

2. LEGISLATIVE OBJECTIVES:

Education Law Sections 6905(2) and 6906(2) require that an individual must have received an education in accordance with the Commissioner's regulations in order to obtain licensure as a registered professional nurse (RN) or licensed practical nurse (LPN) in New York State (NYS). Sections 64.1(a) and Section 64.1(b) of the Commissioner's regulations prescribe the educational requirements for an individual seeking a license as an RN or LPN.

While NYS programs must be registered with the Department and programs completed abroad must be found satisfactory by the Department, under current regulations, nursing programs completed in other states are sufficient to meet the professional education requirement so long as the programs are approved by the licensing authority of the state in which they are offered. There is no requirement that these out-of-state programs meet specific standards or be satisfactory to the Department. Staff-identified trends and recent events related to alleged fraud at multiple out-of-state nursing schools call into question the legitimacy and rigor of some out of-state-schools. This highlights the fact that the Department would benefit from explicit authority to reject an applicant's education should the Department determine that an out-of-state program or any part thereof is not satisfactory to the Department.

The proposed amendment to subdivisions (a) and (b) of section 64.1 of the Commissioner's regulations is consistent with the above statutory authority and complies with the mandate contained therein, which requires the Commissioner's regulations to define the necessary educational requirements for licensure as an RN and LPN in NYS, by adding language that allows the Department to reject out-of-state nursing programs approved by the licensing authority of another state, if a nursing program or any part thereof is determined not to be satisfactory to the Department. This amendment will improve the Department's ability to protect the public by ensuring that RN and LPN licensure applicants, who graduated from out-of-state nursing education programs, meet the same minimum competency for licensure as applicants who received their education from a nursing education program registered with the Department or nursing education programs completed abroad, which have been found satisfactory by the Department.

3. NEEDS AND BENEFITS:

The purpose of the proposed amendment is to conform subdivisions (a) and (b) of section 64.1 of the Commissioner's regulations as those two subdivisions relate to the educational requirements for licensure as an RN

and LPN in NYS. Specifically, the proposed amendment eliminates the discrepancy in how nursing programs from other states are treated when it comes to meeting the educational requirement for licensure, explicitly stating that, notwithstanding approval by another state's licensing authority, if an out-of-state nursing program or any part thereof is not satisfactory to the Department it may not be used to satisfy the education requirement for licensure in this State.

Current regulation allows for an applicant to meet educational requirements for licensure as a registered professional or licensed practical nurse if they graduate from a nursing program registered in NYS or if they graduate from a foreign nursing program outside the United States (U.S.) that is satisfactory to the Department and has been certified to the Department as being preparation for practice as a registered professional/licensed practical nurse. However, to satisfy the educational requirement for licensure as an RN or a LPN in NYS, for those individuals graduating from a nursing program in a different state within the U.S., current regulation only requires graduation from a nursing program approved by that other state's licensing authority. There is no requirement that the nursing program approved by the licensing authority of another state be registered with or satisfactory to the Department.

4. COSTS:

(a) Costs to State government: There are no foreseeable additional costs to the State government associated with this proposed amendment.

(b) Costs to local government: There are no additional costs to local governments associated with this proposed amendment.

(c) Cost to private regulated parties: The proposed rule does not impose any additional costs on regulated parties beyond those imposed by statute. As required by existing statute (Education Law Sections 6905 and 6906), to satisfy the educational requirements for licensure as an RN or LPN, an individual must obtain a defined level of education. To satisfy those existing educational requirements, individuals seeking RN or LPN licensure have, and will continue, to incur costs associated with obtaining the necessary level of education.

(d) Cost to the regulatory agency: The proposed rule does not impose any foreseeable additional costs on the Department beyond those imposed by statute. Any associated costs to the Department will be offset by the fees charged to applicants for licensure as an RN or LPN and no significant cost will result to the Department.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

There are no new forms, reporting requirements, or other recordkeeping associated with the proposed rule.

7. DUPLICATION:

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

8. ALTERNATIVES:

There are no significant alternatives to the proposed rule, and none were considered.

9. FEDERAL STANDARDS:

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

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented for permanent adoption at the September 2023 Regents meeting. If adopted at the September 2023 Regents meeting, the proposed amendment will become effective as a permanent rule on September 27, 2023. It is anticipated that regulated parties will be able to comply with the proposed rule by the effective date.

Regulatory Flexibility Analysis

The proposed rule establishes a requirement that all out-of-state nursing education programs must meet specific standards or be satisfactory to the Department in order for registered professional nurse (RN) and licensed practical nurse (LPN) licensure applicants, who attended such programs, to use such education for New York State (NYS) licensure. NYS programs must be registered with the Department and programs completed abroad must be found satisfactory by the Department. However, under current regulations, nursing programs completed in other states are sufficient to meet the professional education requirement for licensure as long as the programs are approved by the licensing authority of the state in which they are offered. Currently, there is no requirement that these out-of-state programs must meet specific standards or be satisfactory to the Department. Department staff-identified trends and recent events related to alleged fraud at multiple out-of-state nursing schools call into question the legitimacy and rigor of some out of-state-schools. These trends and events highlighted the fact that the Department would benefit from explicit authority to reject an applicant's education should the Department

determine that an out-of-state program or any part thereof is not satisfactory to it.

The proposed rule updates subdivisions (a) and (b) of section 64.1 of the Regulations of the Commissioner of Education by:

- adding language that allows the Department to reject out-of-state nursing programs approved by the licensing authority of another state, if a nursing program or any part thereof is determined not to be satisfactory to the Department.

The proposed rule will improve the Department's ability to protect the public by ensuring that RN and LPN licensure applicants, who graduated from out-of-state nursing education programs, meet the same minimum competency for licensure as applicants who received their education from a nursing education program registered with the Department or nursing education programs completed abroad, which have been found satisfactory by the Department.

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

Rural Area Flexibility Analysis

The proposed amendment to the Regulations of the Commissioner of Education relates to the educational requirement for applicants seeking licensure as a registered professional or licensed practical nurse in New York State. The proposed amendment will apply to all applicants, who obtained their nursing education in an out of state program approved by the licensing authority of the state in which it was offered, and it will not impose any adverse economic impact in rural areas. Likewise, the proposed amendment will not impose any reporting, record keeping or other compliance requirements in rural areas. Therefore, no rural area flexibility analysis is required pursuant to Section 202-bb(4)(a) of the State Administrative Procedure Act, and none has been prepared.

Job Impact Statement

The proposed rule is necessary to establish a requirement that all out-of-state nursing education programs must meet specific standards or be satisfactory to the Department in order for registered professional nurse (RN) and licensed practical nurse (LPN) licensure applicants, who attended such programs, to use such education for New York State (NYS) licensure. NYS programs must be registered with the Department and programs completed abroad must be found satisfactory by the Department. However, under current regulations, nursing programs completed in other states are sufficient to meet the professional education requirement so long as the programs are approved by the licensing authority of the state in which they are offered. Currently, there is no requirement that these out-of-state programs meet specific standards or be satisfactory to the Department. Department staff-identified trends and recent events related to alleged fraud at multiple out-of-state nursing schools call into question the legitimacy and rigor of some out of-state schools. This highlighted the fact that the Department would benefit from explicit authority to reject an applicant's education should the Department determine that an out-of-state program or any part thereof is not satisfactory to it.

The proposed rule updates subdivisions (a) and (b) of section 64.1 of the Regulations of the Commissioner of Education by:

- adding language that allows the Department to reject out-of-state nursing programs approved by the licensing authority of another state, if a nursing program or any part thereof is determined not to be satisfactory to the Department.

The proposed rule eliminates the discrepancy in how nursing education programs from other states are treated when used by RN and LPN licensure applicants to meet the educational requirement for licensure in this State from applicants who obtained their nursing education from programs registered with the Department or completed abroad, which have been found satisfactory by the Department. The proposed rule will improve the Department's ability to protect the public by ensuring that RN and LPN licensure applicants, who graduated from out-of-state nursing education programs, meet the same minimum competency for licensure as applicants who received their education from a nursing education program registered with the Department or nursing education programs completed abroad, which have been found satisfactory by the Department.

Therefore, the impact of the proposed rule will not adversely impact, reduce, or restrict employment or job opportunities in NYS. Accordingly, a job impact statement is not required, and one has not been prepared.

NOTICE OF ADOPTION

Individual Arts Assessment Pathway to Graduation

I.D. No. EDU-52-22-00005-A

Filing No. 314

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of section 100.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308 and 309

Subject: Individual arts assessment pathway to graduation.

Purpose: To establish the Individual Arts Assessment Pathway to graduation.

Text or summary was published in the December 28, 2022 issue of the Register, I.D. No. EDU-52-22-00005-P.

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

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

Assessment of Public Comment

Since publication of the Notice of Proposed Rule Making in the State Register on December 28, 2022, the State Education Department (the Department) received the following comment on the proposed amendment:

COMMENT: A commenter, writing in their capacity as the Executive Vice President of a statewide teacher advocacy organization, expressed concern about the proposed rule's statement that the Individual Arts Assessment Pathway (IAAP) requires a "significant, multi-year commitment from teachers." The commenter opines that it is "not a reasonable expectation... for districts to provide the training." The commenter expressed concern that school districts lack the capacity and expertise for implementation, opining that these responsibilities would then fall to arts teachers. Additionally, the commentator asked the Department to consider delaying implementation for a year so that the IAAP Development Committee can reconvene and consider changes to the pathway while providing more time for districts to consider how they will implement the IAAP.

DEPARTMENT RESPONSE: The Department disagrees with the commentator's contention that the IAAP presents a burden to districts and should be delayed by a year. The IAAP is based on recommendations of the Blue Ribbon Commission on the Arts in 2015. Development began in 2016, in consultation with arts stakeholders around the state. The IAAP is an optional graduation pathway, and the Department has provided updates to the field throughout the development process. Districts are not required to offer the IAAP if they believe they would face practical difficulties implementing it at the local level. The Department has received substantial informal feedback from districts in support of the pathway. Additionally, numerous resources have been developed, including discipline-specific implementation guides and professional development modules to assist districts in applying, developing, and implementing their local IAAP. Therefore, the Department declines to make any changes to the regulation at this time.

NOTICE OF ADOPTION

Extensions for Coordinators of Work-Based Learning Programs

I.D. No. EDU-52-22-00006-A

Filing No. 319

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of sections 52.21 and 80-4.3 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

Subject: Extensions for coordinators of work-based learning programs.

Purpose: To create a new uniform “Coordinator of Work-Based Learning Programs” extension.

Text or summary was published in the December 28, 2022 issue of the Register, I.D. No. EDU-52-22-00006-P.

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

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

Initial Review of Rule

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

Assessment of Public Comment

Since publication of the Notice of Proposed Rule Making in the State Register on December 28, 2022, the State Education Department (Department) received the following comments on the proposed amendment:

1. COMMENT: The commenter asked if applicants for the work-based learning program coordinator extension need to complete 300 or 600 clock hours of non-school-based work experience and if this clock hour requirement is dependent upon their previous pathway.

DEPARTMENT RESPONSE: Currently, the experience requirement for the Coordinator of Work-Based Learning Programs for Career Awareness extension is 300 clock hours of work experience outside of classroom teaching, and the experience requirement for the Coordinator of Work-Based Learning Programs for Career Development extension is 600 hours. The proposed amendment creates a new uniform “Coordinator of Work-Based Learning Programs” extension that would replace the two current extensions. The new extension will have the same experience requirement as the Coordinator of Work-Based Learning Programs for Career Awareness extension, which is 300 clock hours of work experience outside of classroom teaching. No changes to the proposed regulation are necessary.

2. COMMENT: The commenter does not support the proposed amendment because they believe that reducing requirements for work-based learning coordinators are not the way to make programs stronger and increase interest in this field. The commenter shared that they hold the Coordinator of Work-Based Learning Programs for Career Development extension and demonstrated 600 clock hours of work experience outside of a classroom setting to obtain the extension. They feel that 600 hours, or 15 weeks of work experience at 40 hours per week as they pointed out, is a minimal amount of workplace experience outside of the teaching profession. The commenter requests that the Department not reduce the requirements for work-based learning coordinators, thus showing that it values experience as well as knowledge as these coordinators prepare the future generation of workers.

DEPARTMENT RESPONSE: The proposed “Coordinator of Work-Based Learning Programs” extension will have the same experience requirement as the Coordinator of Work-Based Learning Programs for Career Awareness extension, which is 300 clock hours of work experience outside of classroom teaching. The Department believes that this amount of experience is sufficient to prepare educators to coordinate all registered work-based learning programs. For example, the CO-OP and youth apprenticeship/pre-apprenticeship programs, which are currently coordinated by educators who hold the Coordinator of Work-Based Learning Programs for Career Development extension, must be supervised in coordination with a teacher certified in the content area in which the placement takes place under the proposed extension, providing additional support and expertise for those programs.

It is important to note that the two current extensions and the proposed extension have the same coursework requirement. Additionally, individuals seeking this extension often struggle to document their hours of experience outside of classroom teaching because businesses often close/merge and they cannot get their hours verified. No changes to the proposed regulation are necessary.

NOTICE OF ADOPTION

Continuing Education Requirements for the Profession of Architecture

I.D. No. EDU-52-22-00007-A

Filing No. 313

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of section 69.6 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6507 and 7308; L. 2021, ch. 578

Subject: Continuing education requirements for the profession of architecture.

Purpose: To implement chapter 578 of the Laws of 2021.

Text or summary was published in the December 28, 2022 issue of the Register, I.D. No. EDU-52-22-00007-P.

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

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

Assessment of Public Comment

The agency received no public comment.

NOTICE OF ADOPTION

Licensure as a Clinical Laboratory Technologist or Cytotechnologist and Certification as a Clinical Laboratory Technician or Histological Technician

I.D. No. EDU-52-22-00008-A

Filing No. 320

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Subpart 79-16, sections 79-13.1, 79-13.3, 17-13.6, 79-14.3, 79-15.1, 79-15.3, 79-16.1, 79-16.2, 79-16.3, 79-16.4 and 79-16.5 of Title 8 NYCRR.

Statutory authority: Education Law, sections 207, 6504, 6506, 6507, 8600, 8601, 8602, 8603, 8605, 8606, 8606-a and 8608; L. 2022, ch. 446

Subject: Licensure as a clinical laboratory technologist or cytotechnologist and certification as a clinical laboratory technician or histological technician.

Purpose: To implement chapter 446 of the Laws of 2022.

Substance of final rule: To address this clinical laboratory practitioners’ workforce shortage, the legislature enacted Chapter 446 of the Laws of 2022 (Chapter 446). Chapter 446 amends the Education Law, effective January 17, 2023,¹ to provide flexibility to license additional qualified individuals as clinical laboratory practitioners, which will improve access to needed clinical laboratory testing services. Chapter 446 amends the Education Law by:

- changing the name of the “histological technician” profession to “histotechnician”;
- establishing a pathway for clinical laboratory technicians to qualify for New York licensure as a clinical laboratory technologist;
- allowing applicants to fulfill certain requirements for New York licensure as a clinical laboratory technologist or a cytotechnologist by being licensed in another jurisdiction or certified by a national certifying organization acceptable to the Department;
- allowing applicants to fulfill certain requirements for New York certification as a clinical laboratory technician or a histotechnician by being licensed in another jurisdiction or certified by a national certifying organization acceptable to the Department; and
- increasing the duration of limited permits and provisional permits from up to one year to up to two years and makes such permits non-renewable.

The proposed amendment of sections 79-13.1, 79-13.3, and 79-13.6 of the Commissioner’s regulations implement the provisions of Chapter 446 by:

- establishing a pathway for clinical laboratory technicians to qualify for New York licensure as a clinical laboratory technologist;
- allowing applicants to fulfill certain requirements for New York licensure as a clinical laboratory technologist by being licensed in another jurisdiction or certified by a national certifying organization acceptable to the Department; and
- increasing the duration of limited permits and provisional permits from up to one year to up to two years and makes such permits non-renewable.

Additionally, the proposed amendment of sections 79-14.1 and 79-14.3 of the Commissioner's regulations implement the provisions of Chapter 446 by:

- allowing applicants to fulfill certain requirements for New York licensure as a cytotechnologist by being licensed in another jurisdiction or certified by a national certifying organization acceptable to the Department; and
- increasing the duration of limited permits and provisional permits from up to one year to up to two years and makes such permits non-renewable.

The proposed amendment of sections 79-15.1 and 79-15.3 of the Commissioner's regulations also implement the provisions of Chapter 446 by:

- allowing applicants to fulfill certain requirements for New York certification as a clinical laboratory technician by being licensed in another jurisdiction or certified by a national certifying organization acceptable to the Department; and
- increasing the duration of limited permits and provisional permits from up to one year to up to two years and makes such permits non-renewable.

The proposed amendment of the title of subpart 79-16 and sections 79-16.1, 79-16.2, 79-16.3, 79-16.4 and 79-16.5 of the Commissioner's regulations also implement the provisions of Chapter 446 by:

- changing the name of the "histological technician" profession to "histotechnician";
- allowing applicants to fulfill certain requirements for New York certification as a histotechnician by being licensed in another jurisdiction or certified by a national certifying organization acceptable to the Department; and
- increasing the duration of limited permits and provisional permits from up to one year to up to two years and makes such permits non-renewable.

Additionally, the proposed amendment updates the Commissioner's regulations by:

- deleting an expired clinical laboratory technologist licensure pathway and an obsolete requirement for admission to the licensing examination for clinical laboratory technologists in section 79-13.1(c) and (d);
- deleting an expired cytotechnologist licensure pathway and an obsolete requirement for admission to the licensing examination for cytotechnologists in section 79-14.1(c) and (d);
- deleting an expired clinical laboratory technician licensure pathway and an obsolete requirement for admission to the examination for professional certification as a clinical laboratory technician in section 79-15.1(c) and (d); and
- deleting an expired histological technician licensure pathway and an obsolete requirement for admission to the examination for professional certification as a histological technician in section 79-16.1(c) and (d).

¹ Section 10 of chapter 446, which establishes the licensure requirements for the new histotechnologist profession, is not effective until January 21, 2024. Therefore, implementing regulatory amendments for this provision of chapter 446 will be brought before the Board at a later date.

Final rule as compared with last published rule: Nonsubstantial changes were made in sections 79-13.1, 79-14.1, 79-15.1, 79-15.3(c) and 79-16.1.

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

Revised Regulatory Impact Statement

Since publication of a Notice of Proposed Rule Making in the State Register on December 27, 2017, the proposed rule was revised as follows:

- Consistent with Chapter 446, section 79-13.1 has been revised to include language allowing a candidate to meet the professional education or alternative to professional education requirements for licensure as a clinical technologist by completing a baccalaureate or higher degree program in clinical laboratory technology which is accredited by a national accrediting organization acceptable to the Department;
- Sections 79-13.1, 79-14.1, 79-15.1, and 79-16.1 have been revised to restore language defining acceptable accrediting organization for purposes of determining which clinical laboratory programs are substantially equivalent to the requirements for programs registered by the Department;
- Sections 17-13.1 and 79-16.1 have been revised to restore language that allows the Department to accept programs that are accredited by an acceptable accrediting agency and are determined to be accepted as substantially equivalent to programs registered by the Department; and
- Consistent with Chapter 446, section 17-15.3(c) has been revised to permit a clinical laboratory technician to obtain a limited permit for a period of twenty-four months.

The above revisions to the proposed rule do not require any revisions to the previously published Regulatory Impact Statement.

Revised Regulatory Flexibility Analysis

The proposed rule is necessary to implement Chapter 446 of the Laws of 2022 (Chapter 446), which amends the Education Law, effective January 17, 2023,¹ to address the chronic workforce shortage of licensed clinical laboratory practitioners, in recruiting and retaining staff, by providing more flexibility to license additional qualified individuals as clinical laboratory practitioners in order to improve access to needed clinical laboratory testing services.

Chapter 446 amends the Education Law by:

- establishing a pathway for clinical laboratory technicians to qualify for New York licensure as a clinical laboratory technologist;
- allowing applicants to fulfill certain requirements for New York licensure as a clinical laboratory technologist, cytotechnologist, clinical laboratory technician, and histotechnician by being licensed in another jurisdiction or certified by a national certifying organization acceptable to the Department;
- increasing the duration of clinical laboratory technician, clinical laboratory technologist, cytotechnologist, and histotechnician limited permits and provisional permits from up to one year to up to two years and makes such permits non-renewable; and
- changing the name of the "histological technician" profession to "histotechnician".

Additionally, the proposed rule updates the Commissioner's regulations by:

- deleting an expired clinical laboratory technologist licensure pathway and an obsolete requirement for admission to the licensing examination for clinical laboratory technologists in section 79-13.1(c) and (d);
- deleting an expired cytotechnologist licensure pathway and an obsolete requirement for admission to the licensing examination for cytotechnologists in section 79-14.1(c) and (d);
- deleting an expired clinical laboratory technician licensure pathway and an obsolete requirement for admission to the examination for professional certification as a clinical laboratory technician in section 79-15.1(c) and (d); and
- deleting an expired histological technician licensure pathway and an obsolete requirement for admission to the examination for professional certification as a histological technician in section 79-16.1(c) and (d).

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

¹ Section 10 of chapter 446, which establishes the licensure requirements for the new histotechnologist profession, is not effective until January 21, 2024. Therefore, implementing regulatory amendments for this provision of chapter 446 will be brought before the Board of Regents at a later date.

Revised Rural Area Flexibility Analysis

Since publication of a Notice of Proposed Rule Making in the State Register on December 27, 2017, the proposed rule was revised as set forth in the Statement Concerning the Regulatory Impact Statement submitted herewith.

The above revisions to the proposed rule do not require any revisions to the previously published Rural Area Flexibility Analysis.

Revised Job Impact Statement

The proposed rule is necessary to conform the Regulations of the Commissioner of Education (Commissioner's regulations) to Chapter 446 of the Laws of 2022 (Chapter 446), which amends the Education Law, effective January 17, 2023,¹ by providing more flexibility to license additional qualified individuals as clinical laboratory practitioners to address the chronic workforce clinical laboratory practitioners' workforce shortage in order to improve access to needed clinical laboratory testing services.

The proposed amendments amend the title of subpart 79-16 and sections 79-13.1, 79-13.3, 79-13.6, 79-14.1, 79-14.3, 79-15.1, 79-15.3, 79-16.1, 79-16.2, 79-16.3, 79-16.4 and 79-16.5 of the Commissioner's regulations to conform to the requirements of Chapter 446. The proposed amendment additionally:

- establishes a pathway for clinical laboratory technicians to qualify for New York licensure as a clinical laboratory technologist;
- allows applicants to fulfill certain requirements for New York licensure as a clinical laboratory technologist, cytotechnologist, clinical laboratory technician, and histotechnician by being licensed in another jurisdiction or certified by a national certifying organization acceptable to the Department;
- increases the duration of clinical laboratory technician, clinical labo-

ratory technologist, cytotechnologist, and histotechnician limited permits and provisional permits from up to one year to up to two years and makes such permits non-renewable; and

- changes the name of the “histological technician” profession to “histotechnician”.

The proposed amendments also update the Commissioner’s regulations by:

- deleting an expired clinical laboratory technologist licensure pathway and an obsolete requirement for admission to the licensing examination for clinical laboratory technologists in section 79-13.1(c) and (d);

- deleting an expired cytotechnologist licensure pathway and an obsolete requirement for admission to the licensing examination for cytotechnologists in section 79-14.1(c) and (d);

- deleting an expired clinical laboratory technician licensure pathway and an obsolete requirement for admission to the examination for professional certification as a clinical laboratory technician in section 79-15.1(c) and (d); and

- deleting an expired histological technician licensure pathway and an obsolete requirement for admission to the examination for professional certification as a histological technician in section 79-16.1(c) and (d).

Because, the proposed regulation implements specific statutory requirements and directives, any impact on jobs and employment opportunities created by providing more flexibility to license additional qualified individuals as clinical laboratory practitioners to address the chronic workforce shortage and improve access to needed clinical laboratory testing services is attributable to the statutory requirement, not the proposed rule, which simply establishes standards that conform with the requirements of the statute. In addition, the statutorily updated licensure requirements for clinical laboratory practitioners provide more flexibility to license additional qualified individuals as clinical laboratory practitioners, which is intended to increase the number of these licensees in New York and, accordingly, will likely increase job and employment opportunities for prospective clinical laboratory practitioner licensure applicants.

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

¹ Section 10 of chapter 446, which establishes the licensure requirements for the new histotechnologist profession, is not effective until January 21, 2024. Therefore, implementing regulatory amendments for this provision of chapter 446 will be brought before the Board of Regents at a later date.

Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2028, which is the 4th or 5th year after the year in which this rule is being adopted. This review period, justification for proposing same, and invitation for public comment thereon, were contained in a RFA, RAFA or JIS:

An assessment of public comment on the 4 or 5-year initial review period is not attached because no comments were received on the issue.

Assessment of Public Comment

Since publication of a Notice of Emergency Adoption and Proposed Rule Making in the December 28, 2022 State Register, the State Education Department (Department) received the following comments on the proposed amendment:

1. COMMENT: An organization representing New York State licensed clinical laboratories expressed support for the proposed regulation. The organization noted that the regulation allows for additional licensing of qualified clinical laboratory personnel, alleviating the clinical laboratory workforce shortage in New York.

RESPONSE: The Department agrees that the regulation will allow for additional licensing of qualified clinical laboratory personnel, which will help alleviate the clinical laboratory workforce shortage in New York. Since the comment is supportive, no changes to the proposed rule are needed.

2. COMMENT: An attorney representing a clinical laboratory worker certification organization claimed that the Department’s implementation of the regulations has been arbitrary, unprincipled, and contrary to the purposes of Chapter 446 of the Laws of 2022. The commenter suggested that the Department disregarded the State Administrative Procedure Act (SAPA) by failing to determine which clinical laboratory practitioner certifications meet education alternative requirements for New York State clinical laboratory technology practitioner licensure in a rule making process and failing to describe criteria for determining which certifications meet these requirements. The commenter also stated that the Department’s exclusion of their certifications was made outside the regulatory process

and without explanation. The commenter also suggested that the Department disregarded SAPA by failing to determine in a rule making process which other states’ clinical laboratory practitioner licenses will meet education alternative requirements for a New York State clinical laboratory technology practitioner license and failing to identify the criteria for determining which other states’ licenses will meet these license requirements.

RESPONSE: The Department disagrees with the commenter’s assertion that the Department’s proposed rule disregards SAPA. First, Chapter 446 of the Laws of 2022 and SAPA do not require the Department to determine which clinical laboratory practitioner certifications meet education alternative requirements for a New York State clinical laboratory technology practitioner license within the context of a rule making. Indeed, these laws do not require the Department to publish criteria for selecting these certifications in the manner suggested by the commenter and “acceptable to the department” has long been recognized as an appropriate standard. Department staff are currently reviewing clinical laboratory practitioner certifications, including those held by the commenter’s clients, to determine whether they meet the education alternative requirements for clinical laboratory technology practitioner licenses. The Department plans to consult with the State Board for Clinical Laboratory Technology at a public meeting before making any such determinations.

Additionally, Chapter 446 of the Laws of 2022 and SAPA do not require the Department to engage in rule making to determine which states’ licenses meet the education alternative requirements for a clinical laboratory technology practitioner license or describe criteria for making these determinations. Department staff are currently reviewing other states’ clinical laboratory practitioner licensing laws, regulations, and policies to ascertain whether they are comparable to New York State’s licensed clinical laboratory professions in terms of scope of practice, and education, experience, and examination requirements for licensure. The Department will continue to consult with the State Board for Clinical Laboratory Technology before making any determination regarding whether other states’ licenses meet education alternative requirements for New York State clinical laboratory practitioner licensure. Therefore, no changes to the proposed rule are needed.

NOTICE OF ADOPTION

Indigenous Names, Mascots, and Logos

I.D. No. EDU-52-22-00009-A

Filing No. 316

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Addition of Part 123 to Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 305, 308, 309 and art. 2

Subject: Indigenous Names, Mascots, and Logos.

Purpose: To prohibit the use of Indigenous names, mascots, and logos by public schools.

Text of final rule: Subchapter E of the Regulations of the Commissioner of Education is amended by adding a new Part 123 to read as follows:

Part 123

Use of Indigenous Names, Logos, or Mascots Prohibited

§ 123.1 Definitions.

As used in this Part, “Indigenous name, logo, or mascot” means a name, symbol, or image that depicts or refers to Indigenous persons, tribes, nations, individuals, customs, symbols, or traditions, including actual or stereotypical aspects of Indigenous cultures, used to represent a public school, including but not limited to such schools sports teams. It does not include a public school, school building, or school district named after an Indigenous tribe.

§ 123.2 Prohibition.

Except as provided in section 123.4 of this Part, no public school in the State of New York may utilize or display an Indigenous name, logo, or mascot other than for purposes of classroom instruction.

§ 123.3 Timelines.

(a) Boards of education must commit, via resolution, to eliminating use of all Indigenous names, logos, and mascots by the end of the 2022-23 school year. Such resolution shall identify a plan to eliminate all use of the prohibited name, logo, or mascot within a reasonable time, which shall be no later than the end of the 2024-2025 school year.

(b) Upon a showing of good cause, the commissioner may grant an extension of the timelines prescribed in subdivision (a) of this section.

§ 123.4 *Exceptions; Tribal Use or Approval.*

(a) *Tribal Use.* Nothing in this section shall be construed to prohibit a federally recognized tribal nation within the State of New York or a New York State recognized tribal nation from choosing to use an Indigenous name, logo, or mascot for a sports team comprised of its tribal members, including an Indigenous name, logo, or mascot for a sports team comprised of its tribal members, including a tribal school or intramural league.

(b) *Tribal Approval.* This Part shall not apply where a written agreement exists prior to the effective date of this part between a federally recognized tribal nation within the State of New York or a New York State recognized tribal nation and a public school permitting the use of an Indigenous name, mascot, or logo that is culturally affiliated with such tribe. A public school shall not offer or accept any money, consideration, or thing of value pursuant to any such agreement. The tribal nation shall have the right and ability to revoke any such agreement at any time. Upon termination of such an agreement, the public school shall have the remainder of the school year in which such agreement is revoked and one additional school year to discontinue its use of an Indigenous name, logo, or mascot.

§ 123.5 *Implementation.*

Public schools shall prohibit school officers and employees when located on school property or at a school function from utilizing or promoting any Indigenous name, logo, or mascot. This provision shall not apply to any school officer or employee who is a member of a tribal nation and is utilizing or promoting an Indigenous name, logo, or mascot of such tribal nation.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 123.5.

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

Revised Regulatory Impact Statement

Since publication of a Notice of Proposed Rulemaking on December 28, 2022, the Department has made two non-substantial revisions to the proposed amendment. First, the original proposed rule required that public schools prohibit school officers, employees, and all individuals when located on school property or at a school function from utilizing or promoting any Indigenous name, logo, or mascot. The Department recognizes that public schools may not be able to successfully enforce this provision as it relates to individuals who are not officers or employees of such public schools. Therefore, the Department proposes to revise this provision to remove the requirement that public schools prohibit “individuals” from utilizing or promoting any Indigenous name, logo, or mascot when located on school property or at a school function.

Second, the Department received a comment suggesting that school districts could not display or use Indigenous team names, logos, or mascots for educational purposes. While the Department does not believe that this use is prohibited by the regulations as written, the Department has made a non-substantial revision to clarify that the regulation does not pertain to display or use of such names, symbols, or images in the context of classroom instruction.

The above changes require that the NEEDS AND BENEFITS and LOCAL GOVERNMENT MANDATES sections of the previously published Regulatory Impact Statement be revised to read as follows:

3. NEEDS AND BENEFITS:

The New York State Education Department (SED) has consistently opposed the use of Indigenous mascots. In 2001, former Commissioner of Education Richard P. Mills issued a memorandum “conclud[ing] that the use of Native American symbols or depictions as mascots can become a barrier to building a safe and nurturing school community and improving academic achievement for all students.” Commissioner Mills recognized that, while a role for local discretion existed, “there is a state interest in providing a safe and supportive learning environment for every child.” He asked boards of education “to end the use of Native American mascots as soon as practical.”

Many school districts have heeded Commissioner Mills’ directive. Most recently, the Waterloo and Lyme Central School Districts retired their mascots. SED commends the efforts of these districts and the many others that have or are embarking on this process.

Other school districts have not complied. Among them, until recently, was the Cambridge Central School District. After extensive study in 2020 and 2021, Cambridge voted to retire its “Indians” team name, logo, and mascot in June 2021. It hastily reversed itself in July 2021 upon the election of a new board member. Community members challenged this action in an appeal to the Commissioner of Education under Education Law § 310.

In Appeal of McMillan, et al.,¹ the Commissioner held that: (1) Cambridge “offered no meaningful explanation as to why [it] no longer

found the information it had previously cited persuasive”; and (2) Cambridge’s retention of the “Indians” logo “inhibit[ed] the creation of a safe and supportive environment for all students.” On the latter point, the Commissioner noted that:

- A 2020 literature review on studies of Native American mascots by Laurel R. Davis-Delano, et al. concluded that each study reviewed “demonstrate[d] either direct negative effects on Native Americans or that these mascots activate[d], reflect[ed], and/or reinforce[d] stereotyping and prejudice among non-Native persons.”

- The New York Association of School Psychologists (NYASP) concluded that “research studies have consistently shown that the use of mascots and Indigenous symbols and imagery have a negative impact on not only Indigenous [students], but all students ...”

- The Dignity Act prohibits “the creation of a hostile environment... that... reasonably causes or would reasonably be expected to cause... emotional harm to a student,” a condition that could be created through the use of Native American mascots.²

- The Board of Regents (BOR) has taken affirmative measures, consistent with the Dignity Act, to promote positive learning environments in schools, including its Culturally Responsive-Sustaining Education Framework and policy on Diversity, Equity, and Inclusion.

Cambridge appealed the Commissioner’s decision. Supreme Court (Albany County) affirmed the Commissioner’s determination in its entirety on June 22, 2022. Crucially, the court held that the Commissioner:

determined correctly that the continued use of the ‘Indians’ nickname and imagery, given the 20 years that have passed since Commissioner Mills’ directive, and given the imperatives of the District’s Diversity Policy, was itself an abuse of discretion ...

Thus, the court’s decision establishes that public schools are prohibited from utilizing Indigenous mascots. Arguments that community members support the use of such imagery or that it is “respectful” to Indigenous persons are no longer tenable.

In a memorandum dated November 17, 2022³, the Department informed the field of the Commissioner’s decision in Appeal of McMillan et al. and their concomitant need to eliminate the use of Native American mascots.

The Department now proposes a regulation to clarify public schools’ obligations in this respect. In addition to prohibiting the use of Native American or Indigenous names, mascots, or logos by public schools, the regulation:

- defines Indigenous name, mascot, or logo and provides that such definition does not include a public school building, public school, or school district named after an Indigenous tribe;

- provides timelines by which such names, mascots, and/or logos must be eliminated;

- creates certain exceptions; and

- provides that public schools shall prohibit school officers and employees, when located on school property or at a school function, from utilizing or promoting any Indigenous name, logo, or mascot. This provision does not apply to individuals who are members of tribal nations.

5. LOCAL GOVERNMENT MANDATES:

The proposed provides that boards of education must commit, via resolution, to eliminating use of all Indigenous names, logos, and mascots by the end of the 2022-23 school year. Such resolution must identify a plan to eliminate all use of the prohibited name, logo or mascot within a reasonable time, which shall be no later than the end of the 2024-2025 school year, proved that, upon a showing of good cause, the commissioner may extend such timeline. Additionally, public schools must prohibit school officers and employees, when located on school property or at a school function, from utilizing or promoting any Indigenous name, logo, or mascot (this provision does not apply to any individual who is a member of a tribal nation).

¹ 61 Ed Dept Rep, Decision No. 18,058, available at <http://www.counsel.nysed.gov/Decisions/volume61/d18058>

² The Department is the agency tasked by the Legislature to administer the Dignity Act.

³ <http://www.nysed.gov/common/nysed/files/programs/main/indigenous-native-american-mascot-memo.pdf>

Revised Regulatory Flexibility Analysis

Since publication of a Notice of Proposed Rulemaking on December 28, 2022, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement submitted herewith. The above changes require that the COMPLIANCE REQUIREMENTS section of the previously published Regulatory Flexibility Analysis be revised to read as follows:

2. COMPLIANCE REQUIREMENTS:

The proposed rule prohibits the use of Indigenous names, mascots, or logos by public schools, and provides timelines by which such names, mascots, and/or logos must be eliminated. Boards of education must commit, via resolution, to eliminating use of all Indigenous names, logos, and

mascots by the end of the 2022-23 school year. Such resolution must identify a plan to eliminate all use of the prohibited name, logo or mascot within a reasonable time, which shall be no later than the end of the 2024-2025 school year, proved that, upon a showing of good cause, the commissioner may extend such timeline.

Additionally, public schools must prohibit school officers, employees, and all individuals when located on school property or at a school function from utilizing or promoting any Indigenous name, logo, or mascot (this provision does not apply to any individual who is a member of a tribal nation).

Revised Rural Area Flexibility Analysis

Since publication of a Notice of Proposed Rulemaking on December 28, 2022, the proposed rule was revised as set forth in the Revised Regulatory Impact Statement submitted herewith. The above changes require that the REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES REQUIREMENTS section of the previously published Rural Area Flexibility Analysis be revised to read as follows:

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

The proposed rule prohibits the use of Indigenous names, mascots, or logos by public schools, and provides timelines by which such names, mascots, and/or logos must be eliminated. Boards of education must commit, via resolution, to eliminating use of all Indigenous names, logos, and mascots by the end of the 2022-23 school year. Such resolution must identify a plan to eliminate all use of the prohibited name, logo or mascot within a reasonable time, which shall be no later than the end of the 2024-2025 school year, proved that, upon a showing of good cause, the commissioner may extend such timeline.

Additionally, public schools must prohibit school officers, employees, and all individuals when located on school property or at a school function from utilizing or promoting any Indigenous name, logo, or mascot (this provision does not apply to any individual who is a member of a tribal nation).

Revised Job Impact Statement

The proposed amendment is necessary to implement Regents policy and the Dignity for All Students Act by prohibiting the use of Indigenous names, mascots, or logos by public schools.

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

Initial Review of Rule

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

Assessment of Public Comment

This assessment summarizes the comments received on the proposed rule, published December 28, 2022. Please refer to the full Assessment of Public Comment (APC) for the Department's complete assessment of public comment at: <http://www.counsel.nysed.gov/rules/full-text-indices>.

1. COMMENT: The Department received comments supporting the proposed regulatory change from organizations and residents of school districts throughout New York State.

DEPARTMENT RESPONSE: The Department appreciates these supportive comments.

2. COMMENT: The Department received comments expressing general opposition to the proposed regulation.

DEPARTMENT RESPONSE: The Department's position is that the creation and maintenance of Indigenous mascots causes harm to all students regardless of their identity or background.

3. COMMENT: Several commenters expressed interest in increasing the amount of Native American history and culture in P-12 curricula.

DEPARTMENT RESPONSE: The comment is outside the scope of the proposed regulation.

4. COMMENT: Several commenters objected to the "costs" that replacement of their team name, mascot, or logo will entail. Others characterized the prohibition as an "unfunded mandate."

DEPARTMENT RESPONSE: The Department believes that the importance of prohibiting offensive or stereotypical imagery outweighs any attendant costs.

5. COMMENT: Several commenters expressed the sentiment that the elimination of their team name, logo, or mascot would "erase the history and general understanding of [Indigenous] culture throughout New York."

DEPARTMENT RESPONSE: This argument suggests a false dichotomy; namely, that Indigenous communities are entitled to stereotypi-

cal representations or no representation. The Department rejects this premise. Indigenous persons deserve representation in curricula and to be depicted accurately and respectfully. With respect to representation in curricula, see the Department's response above concerning curricula.

6. COMMENT: Several commenters expressed opposition to a proposed provision of the regulation requiring that school districts "prohibit school officers, employees, and all individuals when located on school property or at a school function from utilizing or promoting any Indigenous name, logo, or mascot." Some commenters argued that this prohibition, as applied to "all individuals," is inconsistent with the First Amendment. Other commenters indicated that this would present practical difficulties in enforcement.

DEPARTMENT RESPONSE: The Department has engaged in a nonsubstantial revision of the regulation to remove "all individuals" from its scope.

7. COMMENT: A public school asks whether it would be prohibited from "display[ing] ... photographs, trophies, [or] banners" that feature a retired team name, logo, or mascot. The school district further requests additional time "to fully implement the changes" required of the regulation.

DEPARTMENT RESPONSE: The Department does not recommend the destruction or alteration of historical artifacts such as photographs, trophies, or banners. The intent of this regulation is not to pretend that Indigenous mascots were never used, but to eliminate their use going forward.

With respect to extensions of time, the regulation permits school districts to request an extension of the deadlines identified in the regulation based "[u]pon a showing of good cause" (8 NYCRR 123.3 [b]).

8. COMMENT: A public school district seeks clarification as to why the Department is seeking to change team name, logos, mascots, but not the names of school buildings.

DEPARTMENT RESPONSE: School districts within the United States have historically reduced Native Americans to caricatures in the form of team names, logos, and mascots. To the Department's knowledge, there is no comparable tradition with respect to the legal names of school buildings or districts.

9. COMMENT: A "parental rights group" asserts that the Mahopac Central School District's "Indian mascot is being vilified by those who do not live in our community and or [sic] understand the importance of our history." The commenter alleges that the Department's actions have sown "division" within their school community and suggest that a prohibition on Indigenous mascots is inconsistent with "free speech and expression."

DEPARTMENT RESPONSE: See the Department's response above to the argument that Indigenous mascots "honor" Indigenous persons or communities.

10. COMMENT: A public school administrator asked whether the term "Indians" could be appropriate under any circumstances. The administrator argues that this term is akin to "American," which is utilized by certain schools. The commenter further asks whether the use of a "feather" in a logo would be inappropriate.

DEPARTMENT RESPONSE: The commenter's first question was squarely addressed by the Commissioner of Education in Appeal of McMillan et al. (61 Ed Dept Rep, Decision No. 18,058). In that appeal, the Commissioner found that a school district's "continued use of the 'Indians' team name, logo and mascot constitutes an abuse of its discretion."

The commenter's equation of "Indian" with "American" is inaccurate. "Indian" is a historical term used to apply to Native American tribes, it does not describe a specific tribe. "Indian nation[s] or tribe[s]," by contrast, are comprised of nine sovereign nations within the State of New York (Indian Law § 2). Thus, the generic term "Indian" is not analogous to the term "American," which refers to citizens of the United States of America—and which includes individuals of Indigenous descent.

The appropriateness of a logo containing a feather must be evaluated in context.

11. COMMENT: A resident of the Glens Falls City School District states that his district will no longer use an arrowhead as its logo. He argues that an arrowhead "isn't offensive to anyone's culture or race or nationality since all our ancestors used it and benefited from its use."

DEPARTMENT RESPONSE: The Department cannot opine as to the Glens Falls City School District's reasoning for making the decision about which the commenter complains. However, to the extent that Glens Falls may have a history of utilizing stereotypical names and imagery, see the above response regarding the Mahopac Central School District's question about using a feather in a logo. No changes to the proposed rule are necessary.

12. COMMENT: The superintendent of the Mahopac Central School District requests that the Department consider the "[a]llowance of mascot names that exhibit strength such as 'Braves' or 'Warriors,'" citing dictionary definitions of these words. She opines that these words "do not refer to Native Americans but certainly describe the strength, courage, and determination of our students."

DEPARTMENT RESPONSE: As with the above comment considering the use of a feather, these issued must be considered in context. The question is not whether the words “braves” or “warriors” are offensive in the abstract, but whether their use is appropriate in school districts that have a history of utilizing stereotypical names and imagery. No changes to the proposed rule are necessary.

13. COMMENT: After expressing support for the proposed regulations, a commenter offers five specific proposals:

1. Give school districts two years to eliminate the use of Indigenous team names, logos, and mascots so that school districts are not “harmed by the upfront cost of removing and enacting new iconography”;

2. Revise the definition of “Indigenous name, logo, or mascot” to the following: “any person, animal or object used to represent a school district which names, refers to, represents, or is associated with Native American, including aspects of Native American cultures and specific Native American tribes”;

3. Provide additional guidance regarding the definition of federally recognized tribes. In this respect, the commenter notes that school districts have, and continue to attempt to, engage in “tribal shopping” whereby they seek a tribe’s approval to use an Indigenous team name, logo, or mascot;

4. Ascertain whether school districts “can tap into cultural funds within NYSED” to defray costs; and

5. Promote additional education about Indigenous peoples in local curricula.

DEPARTMENT RESPONSE:

1. Following adoption of this regulation, school districts will have more than two years to eliminate use of Indigenous team names, logos, and mascots. Additionally, the Department provided advance notice of its intentions in James N. Baldwin’s November 17, 2022 memorandum, which provided districts with an additional five months’ notice. See also the Department’s response above regarding extensions of time.

2. While the Department appreciates the suggested changes, Department staff have elected to maintain the original proposed language, as it believes that it is broader and will more accurately capture the team names, logos, and mascots that the Department seeks to prohibit.

3. The Department of the Interior’s Bureau of Indian Affairs maintains an electronic database that allows users to search all federally recognized tribes: <https://www.bia.gov/service/tribal-leaders-directory/federally-recognized-tribes> (last accessed Mar. 18, 2023). With respect to “tribal shopping,” the Department did not intend the “tribal approval” provision (8 NYCRR 123.4 [b]) to constitute an invitation for school districts to obtain such agreements.

4. See the Department’s response regarding costs.

5. See the Department’s response above regarding curricula.

14. COMMENT: Members of the assembly write to express their “severe disappointment” that the regulation affects two school districts within their Assembly district. They argue that the issue should be decided by local school boards. They further assert that the State Education Department “threaten[ed] to remove duly elected school board members and withhold millions of dollars” Finally, they characterize the regulation as an “unfunded mandate” and assert that the Department “should pay for its implementation.”

DEPARTMENT RESPONSE: While the Department also hoped that this matter could have been handled at the local level, dozens of school districts ignored, or took pro forma steps to implement, Commissioner Mills’ 2001 directive. It has become readily apparent that many school boards will not make this necessary change on their own.

While Deputy Commissioner Baldwin informed school districts that their willful maintenance of an Indigenous mascot could result in such consequences, these are set forth in statute (Education Law § 306 [2]).

On the characterization of the regulation as an “unfunded mandate,” see the Department’s response above concerning costs.

15. COMMENT: The New York State School Boards Association and New York State Association of School Attorneys argue that the prohibition on “all individuals ... utilizing or promoting any Indigenous name, logo, or mascot” exceeds the Department’s jurisdiction and is inconsistent with the First Amendment. These organizations further argue that the regulation does not contain an exception for displaying or discussing mascots for “educational or historical purpose[s].”

DEPARTMENT RESPONSE: As indicated above, the Department has engaged in a nonsubstantial revision of 8 NYCRR 123.5 to remove the reference to “all individuals.”

Additionally, the Department has made a nonsubstantial revision to 8 NYCRR 123.2 to clarify that the regulation does not pertain to display or use of such names, symbols, or images in the context of classroom instruction.

16. COMMENT: A commenter asks who is responsible for “making the final determination on what is or isn’t acceptable.” The commenter further suggests that “if the group that makes this ultimate decision doesn’t

include native Americans, it is being just as offending as what this ruling is trying to prohibit.” The commenter further suggests the creation of an appeals “process for schools that have their logos challenged or denied by the State.”

DEPARTMENT RESPONSE: The Board of Regents, the head of the State Education Department, are responsible for adoption of all regulations proposed by the Department. The Department notes that it has convened an Indigenous Mascot Advisory Group comprised of tribal leaders which advised, and continues to advise, the Department in making determinations.

With respect to an appeals process, the regulation places the responsibility of eliminating Indigenous team names, logos, or mascots on local school boards. Therefore, it is the responsibility of each school board to determine the applicability of the regulation and ensure their district’s compliance therewith.

PROPOSED RULE MAKING HEARING(S) SCHEDULED

Corporal Punishment, Restraint, and Seclusion

I.D. No. EDU-18-23-00008-P

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

Proposed Action: Repeal of section 19.5; addition of new section 19.5; amendment of sections 100.2, 200.1, 200.7, 200.15 and 200.22 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 215, 305, 4401, 4402, 4403 and 4410

Subject: Corporal punishment, restraint, and seclusion.

Purpose: The proposed rule is necessary to clarify, streamline, and update the Regents Rules and the Commissioner’s regulations relating to corporal punishment to address the unsafe use of restraint and seclusion in schools and to ensure informed and sufficient protections; culturally responsive, strength-based and multi-tiered supports; and services and instruction that meet students’ social, emotional, behavioral and academic needs.

Public hearing(s) will be held at: 10:00 a.m., July 5, 2023 at Education Department, Education Bldg., Rm. 146, 89 Washington Ave., Albany, NY, Sign in at Security, 1st Fl., Washington Ave. Entrance, Pre-registration is required at: SPEDPUBLICCOMMENT@nysed.gov; 10:00 a.m., July 5, 2023 via Zoom, Link: <https://us06web.zoom.us/j/85473362070?pwd=QzFLVXZxMnVWaUxtUVhKN3hsRHNYdz09>, Meeting ID: 854 7336 2070, Passcode: 4sczjc, Call In: +1 929 436 2866 (New York); 5:30 p.m., July 5, 2023 via Zoom, Link: <https://us06web.zoom.us/j/85795315458?pwd=MGhZU2VJc2ZwVkvMHB1b1dLVENuQT09>, Meeting ID: 857 9531 5458, Passcode: 0ewHdQ, Call In: +1 929 436 2866 (New York)

Individuals who need reasonable accommodations to participate in the virtual or in-person public hearings should notify the Office of Special Education at SPEDPUBLICCOMMENT@nysed.gov no later than two weeks prior to the date of the hearing they plan on attending. Live captioning will be available through Zoom for the virtual hearings.

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.

Substance of proposed rule (Full text is posted at the following State website: <https://www.counsel.nysed.gov/rules/full-text-indices>): A summary of the regulatory amendments to section 19.5 of the Regents Rules and sections 100.2, 200.1, 200.7, 200.15 and 200.22 of the Commissioner’s regulations is as follows:

- section 19.5 is expanded beyond the prohibition of corporal punishment and aversive interventions to also prohibit seclusion and prone restraint. The Department further recommends new protections and requirements authorizing the limited use of timeout and physical restraint.

- subdivision (b) is amended to improve clarity and align the terms used in such section with the definitions used by the USDE, Health and Human Services, and Office for Civil Rights. For example:
 - o The proposed definition of “school” covers the same entities currently covered in section 19.5.¹ The proposed rule clarifies that State-administered prekindergarten programs are also included therein.
 - o The proposed definitions include practices that are prohibited by many other agencies, including corporal punishment, aversive interven-

tions, seclusion, and prone restraint and define limited authorized use of restraint, timeout, physical escort, multi-tiered system of supports, and de-escalation.

- subdivision (c) prohibits the use of corporal punishment, aversive interventions and seclusion on students. As noted above, the proposed inclusion of seclusion is an expansion of current section 19.5.
- subdivision (d) indicates when and how timeout and physical restraint may be utilized. As noted above, prone restraints are prohibited. So, too, is the use of physical restraint in response to the destruction of property unless the property damage would result in imminent harm to the student or others. Additionally, this provision requires that:
 - o same day notification be provided to parents/persons in parental relation following the use of timeout and/or physical restraint;
 - o schools maintain documentation of each incident involving the use of timeout and/or physical restraint;
 - o school administrators or designees debrief after each incident in which timeout and/or physical restraint is used;
 - o school administrators or designees regularly review documentation on the use of timeout and physical restraint;
 - o all staff receive annual training on the school's policies and procedures related to the use of timeout and physical restraint;
 - o any staff member who may be called upon to implement timeout or physical restraint must receive annual, evidence-based training in safe and effective timeout and physical restraint procedures; and
 - o each school adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint and prescribes certain provisions that must be included in the written policy. The written policy must be made public and posted on the school's website, if one exists.
- subdivision (e) includes an annual reporting requirement.
 - o Reporting requirements, which will take effect for the 2024-2025 school year, align state reporting to the federal Civil Rights Data Collection report and reduce the frequency and number of reports currently required of public schools by utilizing SED's Student Information Repository System (SIRS) to submit student-level data related to corporal punishment, aversive interventions, seclusion, timeout and physical restraint.
 - o Beginning with the 2024-2025 school year, public schools will no longer be required to submit multiple office-specific reports created in the IRS Data Exchange and NYSED Application Business Portal's Monitoring and Vendor Performance System, such as the "Incidents of Complaints Regarding the use of Corporal Punishment biannual report" and "Emergency Intervention Survey of Approved Special Education Programs."
- section 100.2 of the Commissioner's regulations is amended to:
 - o remove the definition of corporal punishment and add a cross reference to the definition of such term in section 19.5;
 - o beginning with the 2023-2024 school year, replace semi-annual reporting on the use of corporal punishment with the new annual reporting requirement under section 19.5 which requires reporting on the use of physical restraint and timeout; substantiated and unsubstantiated allegations of use of corporal punishment, mechanical restraint and other aversive interventions; prone physical restraint; and seclusion; and
 - o require that school districts report electronic records for each student who was placed out of the district for educational services by the district committee on preschool special education.
- section 200.1 of the Commissioner's regulations is amended to revise the definition of "aversive intervention" consistent with the definition in section 19.5.
- section 200.7 of the Commissioner's regulations is amended to:
 - o remove the requirement for approved private schools to submit procedures for the use of aversive interventions to the Department as part of the approval process;
 - o add the use of corporal punishment and seclusion to the list of unauthorized behavioral interventions that, if used by an approved private school, can result in denial of approval or reimbursement of public funds;
 - o remove references to child-specific exceptions for the use of aversive interventions by approved private schools serving school age students with disabilities, State-operated schools, or State-supported schools;
 - o add corporal punishment and seclusion to the list of prohibited behavioral techniques for approved preschool programs, approved private schools serving school age students with disabilities, State-operated schools, or State-supported schools may use to reduce or eliminate behaviors of students; and
 - o remove the expired requirement for private schools to submit their written policies and procedures on behavioral interventions to the Department no later than August 15, 2006 if they are proposing to use, or continue to use, aversive interventions in a program for students with a child-specific exception.
- section 200.15 of the Commissioner's regulations is amended to:
 - o replace the term "emergency intervention" with "physical restraint" as defined in section 19.5; and

o replace the phrase "time out room" with "timeout" and add a cross citation to the definition of timeout in section 19.5.

- section 200.22 of the Commissioner's regulations is amended to:
 - o remove references to the child specific exceptions for the use of aversive intervention and add corporal punishment, seclusion, and physical restraints, to the list of interventions that cannot be included in a behavioral intervention plan (BIP);
 - o add the requirement that timeout must be used in conjunction with a BIP except for situations that create an immediate concern for the physical safety of a student or others;
 - o eliminate the specific requirements for a school's policy and procedures regarding the use of timeout and clarify that the use of timeout must meet the requirements of section 19.5;
 - o replace the term "emergency intervention" with "physical restraint;"
 - o indicate that physical restraint must only be used in situations in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others and it must be used consistent with the requirements in section 19.5;
 - o require that staff who may be called upon to implement physical restraint to be provided with appropriate, evidence-based training in safe and effective physical restraint procedures consistent with the new requirements in section 19.5;
 - o add that physical restraint cannot be used as a planned intervention on a student's individualized education program or BIP;
 - o remove any child-specific exception to use aversive interventions to reduce or modify student behaviors; and
 - o remove program standards for the use of aversive interventions.

¹ The regulations currently apply to school districts, boards of cooperative educational services (BOCES), charter schools, State-operated or State-supported schools, approved preschool programs, n approved private schools, approved out-of-state day or residential schools, or registered nonpublic nursery, kindergarten, elementary or secondary schools in New York State.

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

Data, views or arguments may be submitted to: Kathleen DeCataldo, Assistant Commissioner, Office of Student Support Services, NYS Education Department, 89 Washington Avenue, Room 318-M-EB, Albany, NY 12234, (518) 473-2890, email: REGCOMMENTS@nysed.gov

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.

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 continues the existence of the Education Department, with the Board of Regents at its head and the Commissioner of Education as the chief administrative officer, and charges the Department with the general management and supervision of public schools and the educational work of the State.

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

Education Law § 305(1) empowers the Commissioner of Education to be the chief executive officer of the State system of education and the Board of Regents and authorizes the Commissioner to enforce laws relating to the educational system and to execute educational policies determined by the Board of Regents. Education Law section 305(2) authorizes the Commissioner to have general supervision over all schools subject to the Education Law.

Education Law § 4401 defines terms relating to the education of students with disabilities.

Education Law § 4402 establishes school district duties for the education of students with disabilities.

Education Law § 4403 outlines the Department's responsibilities regarding special education programs and services to students with disabilities. Section 4403(3) authorizes the Department to adopt regulations as the Commissioner deems in their best interest.

Education Law § 4410 establishes school district duties for the education of preschool students with disabilities and the Department's responsibilities regarding special education programs for preschool students with disabilities. Section 4410(13) authorizes the Department to adopt regulations as to implement such section.

2. LEGISLATIVE OBJECTIVES:

Consistent with the above statutory authority, the proposed rule is necessary to clarify, streamline, and update the Regents Rules and the Commissioner's regulations relating to corporal punishment to address the unsafe use of restraint and seclusion in schools and to ensure informed and sufficient protections; culturally responsive, strength-based and multi-tiered supports; and services and instruction that meet students' social, emotional, behavioral and academic needs.

3. NEEDS AND BENEFITS:

In August 2012, the Office of Special Education (OSE) issued a field memorandum concerning guidance released by the United States Department of Education (USDE) entitled *Restraint and Seclusion: Resource Document*. This document outlined 15 guiding principles to help ensure that schools are safe and healthy learning environments for all students. These include the principles that every effort should be made to prevent the need for the use of restraint and for the use of seclusion, restraint and seclusion should not be used except in situations of imminent danger of physical harm to self or others, and policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.

Several recent developments have confirmed the need to align the Commissioner's regulations to USDE's 15 guiding principles. First, on August 17, 2022, the Governor signed Chapter 516 of the Laws of 2022 ("Chapter 516"), which, effective immediately, amended the Education Law to require boards of education or trustees of each school district to notify the parents of students with disabilities on the same day that a physical or mechanical restraint is used on the student or the student is placed in a timeout room.

Second, in fall 2022, the Albany Times Union reported the results of a years' long investigation into the use of timeout, seclusion and restraint in NYS schools. The ensuing article highlighted extensive use of restraint and seclusion, sometimes more than a thousand times per year, especially as applied to elementary students and students with disabilities. In addition, the article noted many violations of the Commissioner's regulations for reporting, safety, documentation, length of time spent in seclusion, and communication with parents. The report also relayed numerous stories from parents whose children were traumatized by these practices.

On March 24, 2023, USDE issued a Dear Colleague Letter urging Governors, Chief State School Officers, and School District and School Leaders to end corporal punishment in schools. The letter from Secretary Cardona reinforces USDE's position that corporal punishment in schools should be replaced with evidence-based strategies (such as multi-tiered systems of supports and positive behavioral interventions and supports) and other research-backed educational practices designed to meet students' social, emotional, and mental health needs, while improve school climate and safety. In addition, USDE released guiding principles on how to maintain safe, inclusive, supportive, and fair learning environments for students and school staff, including specific recommendations for evidence-based practices to give students what they need to learn and grow.

The Board of Regents' Diversity, Equity and Inclusion policy, which includes all schools and all students, rests upon a foundation of ensuring informed and sufficient protections; culturally responsive, strength-based and multi-tiered supports; and services and instruction that meet students' social, emotional, behavioral and academic needs. Doing so will lead to a safe and positive educational experience for all school communities.

Based on the above reports and guidance, the Department determined that it was necessary to review and amend its existing regulations to ensure student health and safety.

4. COSTS:

(a) Costs to State government: None.

(b) Costs to local government: School districts may incur additional training costs to train staff who may be called upon to initiate a restraint in evidence-based procedures. However, this training is necessary to ensure students are protected from harm when physical restraint is used. School districts may also incur additional costs to implement the reporting requirements contained in the proposed rule as student management systems may need to be changed to allow the reporting in SIRS. Additionally, school districts may incur additional costs to implement the documentation and debriefing costs of the proposed rule, however, the Department anticipates that school districts will be able to utilize existing staff to offset costs of implement the reporting, documentation, debriefing requirements of the proposed rule. School districts may also incur costs in using multi-tiered systems of support to reduce the occurrence of challenging behaviors, however, the Department believes that implementing such multi-tiered systems of support are necessary to hopefully eliminate the need for the use of timeout and physical restraint and improve school climate and the safety of all students. The Department is unable to estimate the cost of the foregoing on school districts, as districts have varying current staff and resources to implement the regulatory requirements.

(c) Costs to private regulated parties: The same costs as outlined above for school districts would also apply to private schools that are affected by the proposed rule.

(d) Costs to regulating agency for implementation and continued administration of this rule: None.

5. LOCAL GOVERNMENT MANDATES:

Section 19.5 of the Rules of the Board of Regents is expanded beyond the prohibition of corporal punishment and aversive interventions to also prohibit seclusion and prone restraint. The proposal also includes new protections and requirements authorizing the limited use of timeout and physical restraint.

Subdivision (d) of such section indicates when and how timeout and physical restraint may be utilized. As noted above, prone restraints are prohibited. So, too, is the use of physical restraint in response to the destruction of property unless the property damage would result in imminent harm to the student or others. Additionally, this provision requires that:

- Same day notification be provided to parents/persons in parental relation following the use of timeout and/or physical restraint;
- Schools maintain documentation of each incident involving the use of timeout and/or physical restraint;
- School administrators or designees debrief after each incident in which timeout and/or physical restraint is used;
- School administrators or designees regularly review documentation on the use of timeout and physical restraint;
- All staff receive annual training on the school's policies and procedures related to the use of timeout and physical restraint;
- Any staff member who may be called upon to implement timeout or physical restraint must receive annual, evidence-based training in safe and effective timeout and physical restraint procedures; and
- Each school adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint and prescribes certain provisions that must be included in the written policy. The written policy must be made public and posted on the school's website, if one exists.

Subdivision (e) of such section includes an annual reporting requirement which applies to all schools in the definition of school in section 19.5 other than registered non-public schools. Reporting requirements, which will take effect for the 2024-2025 school year, align state reporting to the federal Civil Rights Data Collection report and reduce the frequency and number of reports currently required of public schools by utilizing SED's Student Information Repository System (SIRS) to submit student-level data related to corporal punishment, aversive interventions, seclusion, timeout and physical restraint.

Section 100.2 of the Commissioner's regulations is amended to, among other things, require that school districts report electronic records for each student who was placed out of the district for educational services by the district committee on preschool special education.

Section 200.7 of the Commissioner's regulations is amended to, among other things:

- add the use of corporal punishment and seclusion to the list of unauthorized behavioral interventions that, if used by an approved private school, can result in denial of approval or reimbursement of public funds;
- remove references to child-specific exceptions for the use of aversive interventions by approved private schools serving school age students with disabilities, State-operated schools, or State-supported schools; and
- add corporal punishment and seclusion to the list of prohibited behavioral techniques for approved preschool programs, approved private schools serving school age students with disabilities, State-operated schools, or State-supported schools may use to reduce or eliminate behaviors of students.

Section 200.22 of the Commissioner's regulations is amended to, among other things:

- remove references to the child specific exceptions for the use of aversive intervention and add corporal punishment, seclusion, and physical restraints, to the list of interventions that cannot be included in a behavioral intervention plan (BIP);
- add the requirement that timeout must be used in conjunction with a BIP except for situations that create an immediate concern for the physical safety of a student or others;
- indicate that physical restraint must only be used in situations in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others and it must be used consistent with the requirements in section 19.5;
- require that staff who may be called upon to implement physical restraint to be provided with appropriate, evidence-based training in safe and effective physical restraint procedures consistent with the new requirements in section 19.5;
- add that physical restraint cannot be used as a planned intervention on a student's individualized education program or BIP; and

- remove any child-specific exception to use aversive interventions to reduce or modify student behaviors.

6. PAPERWORK:

The proposed rule requires that each school adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint and prescribes certain provisions that must be included in the written policy. The written policy must be made public and posted on the school's website, if one exists.

Additionally, the proposed rule requires that schools maintain documentation of each incident involving the use of timeout and/or physical restraint.

7. DUPLICATION:

The proposed rule does not duplicate existing State or Federal regulations.

8. ALTERNATIVES:

The proposed rule is necessary to is necessary to clarify, streamline, and update the Regents Rules and the Commissioner's regulations relating to corporal punishment to address unsafe use of restraint and seclusion in schools and to ensure informed and sufficient protections; culturally responsive, strength-based and multi-tiered supports; and services and instruction that meet students' social, emotional, behavioral and academic needs. There are no viable alternatives, and none were considered.

9. FEDERAL STANDARDS:

There are no related Federal standards.

10. COMPLIANCE SCHEDULE:

It is anticipated that the proposed rule will be presented for permanent adoption at the July 2023 Board of Regents meeting. If adopted at the July meeting, the proposed rule will take effect on August 2, 2023. The Department anticipates that regulated parties will be able to comply with the proposed rule on its effective date.

Regulatory Flexibility Analysis

1. EFFECT OF RULE:

Regarding local governments, the proposed amendment applies to all public schools in the state, which includes each of the 731 public school district and 356 charter schools. Regarding small businesses offering instructional services, the proposed rule applies to all for-profit approved private schools for the education of students with disabilities and approved preschool special education programs. While the majority of approved private schools for the education of students with disabilities and approved preschool special education programs are not-for-profit, approximately 80 for-profit schools and programs providing instructional services would be impacted. Additionally, the proposed rule applies to all registered non-public schools and nonpublic schools serving grades 1 through 8 that have a registered high school. The proposed rule further applies to State-administered Prekindergarten programs directly operated by a school district, board of cooperative educational services, or an eligible agency, or operated by a school district in collaboration with an eligible agency. It is unknown how many registered non-public schools and eligible agencies are for-profit businesses with less than 100 employees.

2. COMPLIANCE REQUIREMENTS:

Section 19.5 of the Rules of the Board of Regents is expanded beyond the prohibition of corporal punishment and aversive interventions to also prohibit seclusion and prone restraint. The proposal also includes new protections and requirements authorizing the limited use of timeout and physical restraint.

Subdivision (d) of such section indicates when and how timeout and physical restraint may be utilized. As noted above, prone restraints are prohibited. So, too, is the use of physical restraint in response to the destruction of property unless the property damage would result in imminent harm to the student or others. Additionally, this provision requires that:

- Same day notification be provided to parents/persons in parental relation following the use of timeout and/or physical restraint;
- Schools maintain documentation of each incident involving the use of timeout and/or physical restraint;
- School administrators or designees debrief after each incident in which timeout and/or physical restraint is used;
- School administrators or designees regularly review documentation on the use of timeout and physical restraint;
- All staff receive annual training on the school's policies and procedures related to the use of timeout and physical restraint;
- Any staff member who may be called upon to implement timeout or physical restraint must receive annual, evidence-based training in safe and effective timeout and physical restraint procedures; and
- Each school adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint and prescribes certain provisions that must be included in the written policy. The written policy must be made public and posted on the school's website, if one exists.

Subdivision (e) of such section includes an annual reporting requirement which applies to all schools in the definition of school in section 19.5

other than registered non-public schools. Reporting requirements, which will take effect for the 2024-2025 school year, align state reporting to the federal Civil Rights Data Collection report and reduce the frequency and number of reports currently required of public schools by utilizing SED's Student Information Repository System (SIRS) to submit student-level data related to corporal punishment, aversive interventions, seclusion, timeout and physical restraint. Beginning with the 2024-2025 school year, public schools will no longer be required to submit multiple office-specific reports created in the IRS Data Exchange and NYSED Application Business Portal's Monitoring and Vendor Performance System, such as the "Incidents of Complaints Regarding the use of Corporal Punishment biannual report" and "Emergency Intervention Survey of Approved Special Education Programs."

Section 100.2 of the Commissioner's regulations is amended to, among other things, require that school districts report electronic records for each student who was placed out of the district for educational services by the district committee on preschool special education.

Section 200.7 of the Commissioner's regulations is amended to, among other things:

- add the use of corporal punishment and seclusion to the list of unauthorized behavioral interventions that, if used by an approved private school, can result in denial of approval or reimbursement of public funds;
- remove references to child-specific exceptions for the use of aversive interventions by approved private schools serving school age students with disabilities, State-operated schools, or State-supported schools; and
- add corporal punishment and seclusion to the list of prohibited behavioral techniques for approved preschool programs, approved private schools serving school age students with disabilities, State-operated schools, or State-supported schools may use to reduce or eliminate behaviors of students.

Section 200.22 of the Commissioner's regulations is amended to, among other things:

- remove references to the child specific exceptions for the use of aversive intervention and add corporal punishment, seclusion, and physical restraints, to the list of interventions that cannot be included in a behavioral intervention plan (BIP);
- add the requirement that timeout must be used in conjunction with a BIP except for situations that create an immediate concern for the physical safety of a student or others;
- indicate that physical restraint must only be used in situations in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others and it must be used consistent with the requirements in section 19.5;
- require that staff who may be called upon to implement physical restraint to be provided with appropriate, evidence-based training in safe and effective physical restraint procedures consistent with the new requirements in section 19.5;
- add that physical restraint cannot be used as a planned intervention on a student's individualized education program or BIP; and
- remove any child-specific exception to the use of aversive interventions to reduce or modify student behaviors.

3. PROFESSIONAL SERVICES:

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

4. COMPLIANCE COSTS:

Schools may incur additional training costs to train staff who may be called upon to initiate a restraint in evidence-based procedures. However, this training is necessary to ensure students are protected from harm when physical restraint is used. Schools may also incur additional costs to implement the reporting requirements contained in the proposed rule as student management systems may need to be changed to allow the reporting in SIRS. Additionally, schools may incur additional costs to implement the documentation and debriefing costs of the proposed rule, however, the Department anticipates that school districts will be able to utilize existing staff to offset costs of implement the reporting, documentation, debriefing requirements of the proposed rule. School districts may also incur costs in using multi-tiered systems of support to reduce the occurrence of challenging behaviors, however, the Department believes that implementing such multi-tiered systems of support are necessary to hopefully eliminate the need for the use of timeout and physical restraint and improve school climate and the safety of all students. The Department is unable to estimate the cost of the foregoing on schools, as schools have varying current staff and resources to implement the regulatory requirements.

5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

The proposed amendment does not impose any new technological requirements on small business or local governments. Economic feasibility is addressed in the Costs section above.

6. MINIMIZING ADVERSE IMPACT:

There were no significant alternatives and none were considered. The

proposed rule is necessary to clarify, streamline, and update section 19.5 of the Regents Rules and sections 100.2, 200.1, 200.7, 200.15 and 200.22 of the Commissioner's regulations relating to corporal punishment to address extensive use of restraint and seclusion in schools and to ensure informed and sufficient protections; culturally responsive, strength-based and multi-tiered supports; and services and instruction that meet students' social, emotional, behavioral and academic needs.

7. LOCAL GOVERNMENT PARTICIPATION:

A copy of the proposed rule has been shared with school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, from charter schools, from approved school-age and preschool programs serving students with disabilities, and the Commissioner's Advisory Council for nonpublic schools and nonpublic and private elementary or secondary schools across the State, including those that are considered small businesses, for review and comment.

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS:

The proposed amendment applies to all public school district, board of cooperative educational services, charter school, State-operated and State-supported school pursuant to articles 85, 87 and 88 of the Education Law, in-state and out-of-state private residential or non-residential school for the education of students with disabilities approved pursuant to Article 89 of the Education Law or operating under Article 81 of the Education Law, State-administered Prekindergarten (PreK) program directly operated by a school district, board of cooperative educational services, or an eligible agency, as defined in section 151-1.2(b) of this Title, or operated by a school district in collaboration with an eligible agency, preschool special education program approved pursuant to Education Law section 4410, and a registered school or nonpublic school in this State serving grades 1 through 8 that has a registered high school, including those located in the 44 rural counties with less than 200,000 inhabitants and the 71 towns in urban counties with a population density of 150 per square mile or less.

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

Section 19.5 of the Rules of the Board of Regents is expanded beyond the prohibition of corporal punishment and aversive interventions to also prohibit seclusion and prone restraint. The proposal also includes new protections and requirements authorizing the limited use of timeout and physical restraint.

Subdivision (d) of such section indicates when and how timeout and physical restraint may be utilized. As noted above, prone restraints are prohibited. So, too, is the use of physical restraint in response to the destruction of property unless the property damage would result in imminent harm to the student or others. Additionally, this provision requires that:

- Same day notification be provided to parents/persons in parental relation following the use of timeout and/or physical restraint;
- Schools maintain documentation of each incident involving the use of timeout and/or physical restraint;
- School administrators or designees debrief after each incident in which timeout and/or physical restraint is used;
- School administrators or designees regularly review documentation on the use of timeout and physical restraint;
- All staff receive annual training on the school's policies and procedures related to the use of timeout and physical restraint;
- Any staff member who may be called upon to implement timeout or physical restraint must receive annual, evidence-based training in safe and effective timeout and physical restraint procedures; and
- Each school adopt a written policy that establishes administrative practices and procedures regarding the use of timeout and physical restraint and prescribes certain provisions that must be included in the written policy. The written policy must be made public and posted on the school's website, if one exists.

Subdivision (e) of such section includes an annual reporting requirement which applies to all schools in the definition of school in section 19.5 other than registered non-public schools. Reporting requirements, which will take effect for the 2024-2025 school year, align state reporting to the federal Civil Rights Data Collection report and reduce the frequency and number of reports currently required of public schools by utilizing SED's Student Information Repository System (SIRS) to submit student-level data related to corporal punishment, aversive interventions, seclusion, timeout and physical restraint. Beginning with the 2024-2025 school year, public schools will no longer be required to submit multiple office-specific reports created in the IRS Data Exchange and NYSED Application Business Portal's Monitoring and Vendor Performance System, such as the "Incidents of Complaints Regarding the use of Corporal Punishment biannual report" and "Emergency Intervention Survey of Approved Special Education Programs."

Section 100.2 of the Commissioner's regulations is amended to, among other things, require that school districts report electronic records for each

student who was placed out of the district for educational services by the district committee on preschool special education.

Section 200.7 of the Commissioner's regulations is amended to, among other things:

- add the use of corporal punishment and seclusion to the list of unauthorized behavioral interventions that, if used by an approved private school, can result in denial of approval or reimbursement of public funds;
- remove references to child-specific exceptions for the use of aversive interventions by approved private schools serving school age students with disabilities, State-operated schools, or State-supported schools; and
- add corporal punishment and seclusion to the list of prohibited behavioral techniques for approved preschool programs, approved private schools serving school age students with disabilities, State-operated schools, or State-supported schools may use to reduce or eliminate behaviors of students.

Section 200.22 of the Commissioner's regulations is amended to, among other things:

- remove references to the child specific exceptions for the use of aversive intervention and add corporal punishment, seclusion, and physical restraints, to the list of interventions that cannot be included in a behavioral intervention plan (BIP);
- add the requirement that timeout must be used in conjunction with a BIP except for situations that create an immediate concern for the physical safety of a student or others;
- indicate that physical restraint must only be used in situations in which immediate intervention involving the use of reasonable physical force is necessary to prevent imminent danger of serious physical harm to the student or others and it must be used consistent with the requirements in section 19.5;
- require that staff who may be called upon to implement physical restraint to be provided with appropriate, evidence-based training in safe and effective physical restraint procedures consistent with the new requirements in section 19.5;
- add that physical restraint cannot be used as a planned intervention on a student's individualized education program or BIP; and
- remove any child-specific exception to the use of aversive interventions to reduce or modify student behaviors.

3. COSTS:

Schools may incur additional training costs to train staff who may be called upon to initiate a restraint in evidence-based procedures. However, this training is necessary to ensure students are protected from harm when physical restraint is used. Schools may also incur additional costs to implement the reporting requirements contained in the proposed rule as student management systems may need to be changed to allow the reporting in SIRS. Additionally, schools may incur additional costs to implement the documentation and debriefing costs of the proposed rule, however, the Department anticipates that school districts will be able to utilize existing staff to offset costs of implement the reporting, documentation, debriefing requirements of the proposed rule. School districts may also incur costs in using multi-tiered systems of support to reduce the occurrence of challenging behaviors, however, the Department believes that implementing such multi-tiered systems of support are necessary to hopefully eliminate the need for the use of timeout and physical restraint and improve school climate and the safety of all students. The Department is unable to estimate the cost of the foregoing on schools, including those located in rural areas, as schools have varying current staff and resources to implement the regulatory requirements.

4. MINIMIZING ADVERSE IMPACT:

There were no significant alternatives and none were considered. The proposed rule is necessary to clarify, streamline, and update section 19.5 of the Regents Rules and sections 100.2, 200.1, 200.7, 200.15 and 200.22 of the Commissioner's regulations relating to corporal punishment to address unsafe use of restraint and seclusion in schools and to ensure informed and sufficient protections; culturally responsive, strength-based and multi-tiered supports; and services and instruction that meet students' social, emotional, behavioral and academic needs. Considering the foregoing, the Department does not believe it to be appropriated to establish differing compliance or reporting requirements or timetables or to exempt schools in rural areas from coverage by the proposed amendment.

5. RURAL AREA PARTICIPATION:

A copy of the proposed rule has been shared with school districts through the offices of the district superintendents of each supervisory district in the State, from the chief school officers of the five big city school districts, from charter schools, from approved school-age and preschool programs serving students with disabilities, and the Commissioner's Advisory Council for nonpublic schools and nonpublic and private elementary or secondary schools across the State, including those located in rural areas, for review and comment.

Job Impact Statement

The proposed rule is necessary to is necessary to clarify, streamline, and update section 19.5 of the Regents Rules and sections 100.2, 200.1, 200.7,

200.15 and 200.22 of the Commissioner's regulations relating to corporal punishment to address unsafe use of restraint and seclusion in schools and to ensure informed and sufficient protections; culturally responsive, strength-based and multi-tiered supports; and services and instruction that meet students' social, emotional, behavioral and academic needs.

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

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Initial Reissuance, Provisional Renewal, and Time Extension Requirements

I.D. No. EDU-18-23-00012-P

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

Proposed Action: Amendment of sections 80-1.6, 80-1.7, 80-1.8, 80-5.9, 80-5.25, 80-5.34 of Title 8 NYCRR.

Statutory authority: Education Law, sections 101, 207, 208, 305, 308, 3001, 3004 and 3009

Subject: Initial reissuance, provisional renewal, and time extension requirements.

Purpose: To revise the initial reissuance, provisional renewal, and time extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate.

Substance of proposed rule (Full text is posted at the following State website: <https://www.counsel.nysed.gov/rules/full-text-indices>): The Department is proposing to revise the Initial Reissuance, Provisional Renewal, and Time Extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate. Since the Time Extension is only an option for three years after a certificate expires, the proposed amendment removes this limited option for Initial and Provisional certificate holders, and instead, allows these certificate holders to obtain up to two reissuances/renewals with more flexible eligibility requirements.

This flexibility should increase the pool of qualified educators during this time of educator shortages. Additionally, the proposal streamlines the options for extending the validity period of certificates by making the options clearer to educators while maintaining the expectation that educators make progress towards the Professional or Permanent certificate.

Initial Reissuance:

The proposed amendment allows educators to receive up to two five-year Initial Reissuances instead of only one reissuance. The requirement to pass the certification exam again would be removed. For the first reissuance for teachers and school counselors, they must meet all requirements for the Professional certificate except the education and/or experience requirement. If they desire a second reissuance, they must: (1) meet all requirements for the Professional certificate except the education or experience requirement; and (2) show that they have made progress towards completing one of these two requirements.

The Professional School Building Leader certificate has an experience requirement, but no education requirement, beyond the Initial School Building Leader certificate requirements. Therefore, the proposal allows educators who hold school building leader certification to have their certificate reissued up to two times if they meet all requirements for the Professional School Building Leader certificate except the experience requirement.

Educators who were issued one Initial Reissuance and one Time Extension in the past could not receive a second reissuance under this proposal. Further, educators who received one Time Extension in the past could only receive one reissuance. However, educators who were issued their first Initial Reissuance on or after May 20, 2020 and prior to August 2, 2023 may receive a second reissuance under the proposed first reissuance requirements, which are similar to the Time Extension requirements. Specifically, both sets of requirements do not require educators to meet either the education and/or experience requirement for the Permanent certificate.

Provisional Renewal:

The proposed amendment allows educators to receive up to two five-year Provisional Renewals instead of only one renewal. For the first renewal for educators in the pupil personnel service, they must meet all requirements for the Permanent certificate except the education and/or experience requirements. If they need a second renewal, they must: (1) meet all requirements for the Permanent certificate except the education or experience requirement; and (2) show that they have made progress towards completing one of these two requirements. These requirements are consistent with the proposed Initial Reissuance requirements outlined above.

Currently, educators who hold the former Provisional SAS certificate can obtain a Provisional Renewal by achieving a satisfactory score on the school building leader assessment that is required for School Building Leader certification. The Department has not issued Permanent SAS certificates to educators with expired Provisional SAS certificates since October 1, 2014. To complete the transition to Initial and Professional School Building Leader certificates, the proposal requires educators who hold an expired Provisional SAS certificate to apply and qualify for the renewal prior to September 2, 2024. This timeline provides these educators with over one year to complete the requirements for the renewal.

Educators who were issued one Provisional Renewal and one Time Extension in the past could not receive a second renewal under this proposal. Further, educators who received one Time Extension in the past could receive only one renewal. However, educators who were issued their first Provisional Renewal on or after May 20, 2020 and prior to August 2, 2023 may receive a second renewal under the proposed first renewal requirements, which are similar to the Time Extension requirements. Specifically, both sets of requirements do not require educators to meet either the education and/or experience requirement for the Permanent certificate.

Time Extension:

The proposed amendment revises the type of certificates that are eligible for the Time Extension. Specifically, Initial or Provisional certificate holders would no longer be eligible for the Time Extension, while Internship, Residency, and Transitional H certificate holders would become eligible for the Time Extension.

The Internship, Residency, and Transitional H certificates are available to candidates who are matriculating in an educator preparation program and are employed by New York State public schools during their internship, residency, or leadership experience, respectively. Extending eligibility for the Time Extension to these candidates is consistent with the current practice of allowing candidates who hold a Transitional B or C certificate and are matriculating in a teacher preparation program to request such an extension. The Time Extension would extend the validity period of these certificates by three years, giving them additional time to complete the clinical experience requirement in their program if needed due to extenuating circumstances.

Transitional A, B, C, and G certificate holders are currently eligible for a Time Extension. The proposal codifies that a Transitional A certificate holder must submit a commitment of employment of at least one year from a public or nonpublic school or BOCES as a teacher in the area of the certificate sought after the expiration date of the certificate to obtain the Time Extension. Transitional G certificate holders would also need to submit a commitment of employment of at least one year from a school district as a teacher in the area of the certificate sought after the expiration date of the certificate to obtain the Time Extension.

Additionally, Transitional B, Transitional C, Transitional H, Internship, and Residency certificate holders must submit evidence of continued matriculation in their registered educator preparation program after the expiration date of the certificate to obtain the Time Extension in the proposal.

Finally, educators who were issued a three-year Time Extension for their Initial certificate, Initial Reissuance, Provisional certificate, or Provisional Renewal would have the expiration date of such time extension extended by two years, if the expiration date is on or after August 31, 2023. The additional two years would make the validity period of the Time Extension five total years in length, similar to the length of the proposed first and second Initial Reissuance and Provisional Renewal validity period.

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

Data, views or arguments may be submitted to: William P. Murphy, Deputy Commissioner, NYS Education Department, Office of Higher Education, 89 Washington Avenue, Room 975 EBA, Albany, NY 12234, (518) 473-3781, email: OHERegcomments@nysed.gov

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

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

Regulatory Impact Statement

1. STATUTORY AUTHORITY:

Education Law § 101 (not subdivided) charges the Department with the

general management and supervision of all public schools and all of the educational work of the state.

Education Law § 207 grants general rule-making authority to the Regents to carry into effect State educational laws and policies.

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

Education Law § 305 authorizes the Commissioner to enforce the educational policies of this State and execute all educational policies determined by the Regents and shall prescribe the licensing of teachers employed in this State.

Education Law § 308 authorizes the Commissioner to enforce and rule or direction of the Regents pertaining to the school system or any part thereof.

Education Law § 3001 establishes the qualifications of teachers in the classroom.

Education Law § 3004 authorizes the Commissioner to promulgate regulations governing the certification requirements for teachers employed in public schools.

Education Law § 3009 prohibits school districts from paying the salary of an unqualified teacher.

2. LEGISLATIVE OBJECTIVES:

The proposed amendment is consistent with the above statutory authority and is necessary to revise the Initial Reissuance, Provisional Renewal, and Time Extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate.

3. NEEDS AND BENEFITS:

The Department is proposing to revise the Initial Reissuance, Provisional Renewal, and Time Extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate. Since the Time Extension is only an option for three years after a certificate expires, the proposed amendment removes this limited option for Initial and Provisional certificate holders, and instead, allows these certificate holders to obtain up to two reissuances/renewals with more flexible eligibility requirements.

This flexibility should increase the pool of qualified educators during this time of educator shortages. Additionally, the proposal streamlines the options for extending the validity period of certificates by making the options clearer to educators while maintaining the expectation that educators make progress towards the Professional or Permanent certificate.

Initial Reissuance:

The proposed amendment allows educators to receive up to two five-year Initial Reissuances instead of only one reissuance. The requirement to pass the certification exam again would be removed. For the first reissuance for teachers and school counselors, they must meet all requirements for the Professional certificate except the education and/or experience requirement. If they desire a second reissuance, they must: (1) meet all requirements for the Professional certificate except the education or experience requirement; and (2) show that they have made progress towards completing one of these two requirements.

The Professional School Building Leader certificate has an experience requirement, but no education requirement, beyond the Initial School Building Leader certificate requirements. Therefore, the proposal allows educators who hold school building leader certification to have their certificate reissued up to two times if they meet all requirements for the Professional School Building Leader certificate except the experience requirement.

Educators who were issued one Initial Reissuance and one Time Extension in the past could not receive a second reissuance under this proposal. Further, educators who received one Time Extension in the past could only receive one reissuance. However, educators who were issued their first Initial Reissuance on or after May 20, 2020 and prior to August 2, 2023 may receive a second reissuance under the proposed first reissuance requirements, which are similar to the Time Extension requirements. Specifically, both sets of requirements do not require educators to meet either the education and/or experience requirement for the Permanent certificate.

Provisional Renewal:

The proposed amendment allows educators to receive up to two five-year Provisional Renewals instead of only one renewal. For the first renewal for educators in the pupil personnel service, they must meet all requirements for the Permanent certificate except the education and/or experience requirements. If they need a second renewal, they must: (1) meet all requirements for the Permanent certificate except the education or experience requirement; and (2) show that they have made progress towards completing one of these two requirements. These requirements are consistent with the proposed Initial Reissuance requirements outlined above.

Currently, educators who hold the former Provisional SAS certificate can obtain a Provisional Renewal by achieving a satisfactory score on the school building leader assessment that is required for School Building Leader certification. The Department has not issued Permanent SAS certificates to educators with expired Provisional SAS certificates since October 1, 2014. To complete the transition to Initial and Professional School Building Leader certificates, the proposal requires educators who hold an expired Provisional SAS certificate to apply and qualify for the renewal prior to September 2, 2024. This timeline provides these educators with over one year to complete the requirements for the renewal.

Educators who were issued one Provisional Renewal and one Time Extension in the past could not receive a second renewal under this proposal. Further, educators who received one Time Extension in the past could receive only one renewal. However, educators who were issued their first Provisional Renewal on or after May 20, 2020 and prior to August 2, 2023 may receive a second renewal under the proposed first renewal requirements, which are similar to the Time Extension requirements. Specifically, both sets of requirements do not require educators to meet either the education and/or experience requirement for the Permanent certificate.

Time Extension:

The proposed amendment revises the type of certificates that are eligible for the Time Extension. Specifically, Initial or Provisional certificate holders would no longer be eligible for the Time Extension, while Internship, Residency, and Transitional H certificate holders would become eligible for the Time Extension.

The Internship, Residency, and Transitional H certificates are available to candidates who are matriculating in an educator preparation program and are employed by New York State public schools during their internship, residency, or leadership experience, respectively. Extending eligibility for the Time Extension to these candidates is consistent with the current practice of allowing candidates who hold a Transitional B or C certificate and are matriculating in a teacher preparation program to request such an extension. The Time Extension would extend the validity period of these certificates by three years, giving them additional time to complete the clinical experience requirement in their program if needed due to extenuating circumstances.

Transitional A, B, C, and G certificate holders are currently eligible for a Time Extension. The proposal codifies that a Transitional A certificate holder must submit a commitment of employment of at least one year from a public or nonpublic school or BOCES as a teacher in the area of the certificate sought after the expiration date of the certificate to obtain the Time Extension. Transitional G certificate holders would also need to submit a commitment of employment of at least one year from a school district as a teacher in the area of the certificate sought after the expiration date of the certificate to obtain the Time Extension.

Additionally, Transitional B, Transitional C, Transitional H, Internship, and Residency certificate holders must submit evidence of continued matriculation in their registered educator preparation program after the expiration date of the certificate to obtain the Time Extension in the proposal.

Finally, educators who were issued a three-year Time Extension for their Initial certificate, Initial Reissuance, Provisional certificate, or Provisional Renewal would have the expiration date of such time extension extended by two years, if the expiration date is on or after August 31, 2023. The additional two years would make the validity period of the Time Extension five total years in length, similar to the length of the proposed first and second Initial Reissuance and Provisional Renewal validity period.

4. COSTS:

a. Costs to State government: The proposed amendment does not impose any costs on State government, including the State Education Department.

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

c. Costs to private regulated parties: The proposed amendment does not impose any costs on private regulated parties.

d. Costs to regulating agency for implementation and continued administration: See above.

5. LOCAL GOVERNMENT MANDATES:

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

6. PAPERWORK:

The proposed amendment does not impose any additional paperwork requirements.

7. DUPLICATION:

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

8. ALTERNATIVES:

The proposed rule is necessary to revise the Initial Reissuance, Provi-

sional Renewal, and Time Extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate. No alternatives were considered.

9. FEDERAL STANDARDS:

There are no applicable Federal standards.

10. COMPLIANCE SCHEDULE:

Following the 60-day public comment period required under the State Administrative Procedure Act, it is anticipated that the proposed amendment will be presented to the Board of Regents for adoption at its July 2023 meeting. If adopted at the July 2023 meeting, the proposed amendment will become effective on August 2, 2023. It is anticipated that regulated parties will be able to comply with the proposed rule on its effective date.

Regulatory Flexibility Analysis

The proposed amendment is necessary to revise the Initial Reissuance, Provisional Renewal, and Time Extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate.

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

Rural Area Flexibility Analysis

1. TYPES AND ESTIMATED NUMBER OF RURAL AREAS:

The proposed amendment applies to all educators seeking to extend the validity period of their certificates during extenuating circumstances, including those located in the 44 rural counties with fewer than 200,000 inhabitants and the 71 towns and urban counties with a population density of 150 square miles or less.

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

The proposed rule revises the Initial Reissuance, Provisional Renewal, and Time Extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate. Since the Time Extension is only an option for three years after a certificate expires, the proposed amendment removes this limited option for Initial and Provisional certificate holders, and instead, allows these certificate holders to obtain up to two reissuances/renewals with more flexible eligibility requirements.

This flexibility should increase the pool of qualified educators during this time of educator shortages. Additionally, the proposal streamlines the options for extending the validity period of certificates by making the options clearer to educators while maintaining the expectation that educators make progress towards the Professional or Permanent certificate. Thus, the proposed rule does not impose any new reporting, recordkeeping, or other compliance requirements or professional services on regulated parties.

3. COSTS:

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

4. MINIMIZING ADVERSE IMPACT:

The proposed rule revises the Initial Reissuance, Provisional Renewal, and Time Extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate. Since the Time Extension is only an option for three years after a certificate expires, the proposed amendment removes this limited option for Initial and Provisional certificate holders, and instead, allows these certificate holders to obtain up to two reissuances/renewals with more flexible eligibility requirements.

This flexibility should increase the pool of qualified educators during this time of educator shortages. Additionally, the proposal streamlines the options for extending the validity period of certificates by making the options clearer to educators while maintaining the expectation that educators make progress towards the Professional or Permanent certificate.

It is not anticipated that the proposed rule will have any adverse impact on regulated parties and therefore no alternatives were considered for regulated parties located in rural areas of the State.

5. RURAL AREA PARTICIPATION:

A Copy of the proposed amendment has been provided to the New York Association of Colleges for Teacher Education for review and comment, which has members located in rural areas.

Job Impact Statement

The proposed amendment is necessary to revise the Initial Reissuance, Provisional Renewal, and Time Extension requirements to ensure that educators have an opportunity to extend the validity period of their certificates during extenuating circumstances that may prevent them from completing the requirements for the Professional or Permanent certificate.

Because it is evident from the nature of the proposed amendment that it will have no impact on the existing number of jobs or employment opportunities in New York State, no further steps were needed to ascertain that fact and none were taken.

Department of Environmental Conservation

NOTICE OF ADOPTION

Prohibition of Glyphosate Use by State Departments, State Agencies, and Public Benefit Corporations on State Property

I.D. No. ENV-23-22-00007-A

Filing No. 312

Filing Date: 2023-04-18

Effective Date: 2023-05-03

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

Action taken: Amendment of Part 325 of Title 6 NYCRR.

Statutory authority: Environmental Conservation Law, sections 1-0101, 3-0301, 33-0301, 33-0303 and 33-1301.12

Subject: Prohibition of glyphosate use by State departments, State agencies, and public benefit corporations on State property.

Purpose: Prohibit the use of glyphosate by State agencies, State departments, public benefit corporations unless exempted.

Text of final rule: Section 325.1 through Section 325.41 remain unchanged.

A new section 325.42 is added to read as follow:

Section 325.42-Glyphosate use on state property

(a) *Definitions. As used in this section, the following terms have the following meanings:*

(1) *“Contractor” means any person that agrees to conduct work under the terms of a contract with a state department, state agency, or public benefit corporation.*

(2) *“Critical infrastructure” means systems, assets, places, environmental resources, or things so vital to the State that the disruption, incapacitation or destruction of such systems, assets, places, or environmental resources, could jeopardize the health, safety, welfare, or security of the State, its residents, its environment, or its economy.*

(3) *“Critical native plant species” means any plant species identified by the New York State Natural Heritage Program under Environmental Conservation Law Section 11-0539 with a subnational ranking as critically imperiled, imperiled, or vulnerable; or any plant species identified as endangered, threatened, or rare in 6 NYCRR Section 193.3 under Environmental Conservation Law Section 09-1503; or as identified by the Department.*

(4) *“Ecosystem” means a dynamic complex of plant, animal, and microorganism communities and the nonliving environment, interacting as a functional unit.*

(5) *“Ecosystem health” means the ability of the ecosystem to be stable or resilient to stress primarily caused by human activities.*

(6) *“Habitat” means the environment in which a plant, animal, or other organism lives and grows.*

(7) *“Invasive species” means any species identified under Environmental Conservation Law Section 9-1709 or as identified by the Department.*

(8) *“Location” means the physical address of the property on which the pesticide is applied or, if a specific physical address does not exist a description of the application area including street names, county, municipality, zip code, and other identifying features.*

(9) *“Noxious plant” means any plant that can directly or indirectly injure or cause damage to natural resources or the environment.*

(10) "Pests of significant public health importance" means any pest recognized as a pest of concern to a local, state, or federal public health program or the Department; for example, Giant Hogweed, Poison Ivy, and ticks.

(11) "Public benefit corporation" means a corporation organized to construct or operate a public improvement wholly or partly within the state, the profits from which inure to the benefit of this or other states, or to the people thereof.

(12) "State agency" means any executive or regulatory body of New York State designated as an agency.

(13) "State department" means any state agency designated as a "department" by name.

(14) "State property" means any New York State-owned real property operated by a state department, state agency, or public benefit corporation, including only surface waters of the State that are fully contained within the boundaries of New York State-owned real property operated by a state department, state agency, or public benefit corporation.

(15) "Subcontractor" means any person that agrees to conduct work under the terms of a contract for a contractor hired by a state department, state agency, or public benefit corporation.

(16) "Target area" means a general description of the area where the pesticide application is anticipated to occur.

(b) Requirements: As provided in subdivision 12 of Environmental Conservation Law Section 33-1301, any state department, state agency, public benefit corporation, contractor, or subcontractor may only apply glyphosate on state property if the state department, state agency or public benefit corporation demonstrates that all of the conditions in paragraphs one through five of this subdivision are met prior to such application.

(1) The state department, state agency or public benefit corporation must document that the application is necessary for one of the uses listed in subparagraphs 325.42(b)(1)(i) through (iv) below:

- (i) to maintain critical infrastructure;
- (ii) to maintain roadside vegetation to ensure public safety;
- (iii) to manage habitat for one of the following purposes listed in clauses 325.42(b)(1)(iii)'a' through 'd' below:

- ('a') control invasive species;
- ('b') control pests of significant public health importance;
- ('c') control noxious plants injurious to ecosystem health; or
- ('d') protect critical native plant species; or

(iv) conduct research into the environmental motility of glyphosate or to develop suitable alternatives to glyphosate for agricultural and environmental uses.

(2) The state department, state agency, or public benefit corporation must develop a human exposure assessment documenting that there will be no actual or significant threat of direct human exposure to glyphosate. This human exposure assessment must address:

- (i) Potential settings and pathways of exposure to glyphosate for pesticide applicators, on-site workers, and the public;
- (ii) Procedures used to prevent direct human exposures to glyphosate including:

- ('a') Following precautionary statements contained in the pesticide label directions; and
- ('b') Implementing site-specific human exposure precautions warranted for the specific application. Site specific human exposure precautions may include the use of visual markers, barriers, or other means to prevent human exposure to glyphosate; and

(iii) An update to the human exposure assessment, prior to the application of glyphosate, if any conditions of the human exposure assessment are modified.

(3) Any person that applies glyphosate on state property for or on behalf of a state department, state agency, or public benefit corporation must apply glyphosate in accordance with the procedures described in the human exposure assessment developed by the state department, state agency, or public benefit corporation for which or on whose behalf glyphosate is being applied.

(4) The state department, state agency or public benefit corporation must develop a glyphosate alternatives analysis demonstrating that there are no effective and practicable alternatives to the use of glyphosate. This glyphosate alternatives analysis must address, at a minimum, the following factors related to using glyphosate and its alternatives:

- (i) a description of costs;
- (ii) resource requirements for pest control;
- (iii) availability of pesticide products;
- (iv) toxicity to humans and non-target organisms;
- (v) environmental effects; and
- (vi) an update to the glyphosate alternatives analysis, prior to the application of glyphosate, when any of the conditions of the glyphosate alternative assessment are modified.

(5) Any person that applies glyphosate on state property for or on behalf of a state department, state agency, or public benefit corporation

must apply glyphosate in accordance with the glyphosate alternative analysis developed by the state department, state agency, or public benefit corporation for which or on whose behalf glyphosate is being applied.

(c) Documentation. A state department, state agency, or public benefit corporation seeking to apply or hire a contractor or subcontractor to apply glyphosate on state property, must document prior to the application that all the conditions in subdivision 325.42(b) are met.

(1) This documentation must include the following information:

- (i) the planned date(s) or date range of the application(s);
- (ii) the justification(s) for the application as required by paragraph 325.42(b)(1);
- (iii) a description of the target area(s);
- (iv) the target pest(s);
- (v) the human exposure assessment as required by paragraph 325.42(b)(2); and
- (vi) the glyphosate alternatives analysis as required by paragraph 325.42(b)(4).

(2) This documentation must be kept for a minimum of three years following the date(s) of the application(s) and must be available for inspection upon request by the department.

(d) Reporting. When glyphosate is applied to state property, the state department, state agency, or public benefit corporation must send an annual glyphosate use report to the department by January 15 for the prior calendar year.

(1) This report must be in a digital or electronic format established or accepted by the department and include the following information:

- (i) official name of the state department, state agency, or public benefit corporation;
- (ii) pesticide agency or pesticide business registration number, if applicable;
- (iii) pesticide product name;
- (iv) the United States Environmental Protection Agency registration number of the pesticide product;
- (v) amount of pesticide product applied; and
- (vi) location of application.

(2) A copy of this report must be kept for a minimum of three years following the date(s) of the application(s) and must be available for inspection upon request by the department.

Final rule as compared with last published rule: Nonsubstantial changes were made in section 325.42(a)(16) and (c)(1).

Text of rule and any required statements and analyses may be obtained from: Anthony Lamanno, Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-7254, (518) 402-8727, email: anthony.lamanno@dec.ny.gov

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

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

The Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement that was previously published remains accurate and does not require revision to address the nonsubstantive changes incorporated as part of this Notice of Adoption.

Initial Review of Rule

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

Assessment of Public Comment

The New York State Department of Environmental Conservation (DEC) proposed a rulemaking in response to the addition of subdivision 12 to Section 33-1301 of the Environmental Conservation Law (ECL). This addition to the ECL prohibits the application of glyphosate on state property by state departments, state agencies, public benefit corporations, and their contractors and subcontractors unless allowed by an exemption specified in the Law.

This proposed rulemaking adds 6 NYCRR Section 325.42 which addresses the prohibition and exemptions from prohibition of glyphosate use on state properties and also requires state departments, state agencies, and public benefit corporations to report their glyphosate use on state properties to DEC.

Public comments were received from June 8, 2022 through August 22, 2022. A virtual public hearing was held on August 17, 2022.

General Comments:

Several comments were in favor of the proposed regulation to prohibit the use of glyphosate on state property while continuing to allow the use of glyphosate to control invasive plants and insects. These comments have been noted and support the proposed regulation.

Several comments stated that the proposed regulation to ban the use of glyphosate on state property by state departments, state agencies, public benefit corporations, and their contractors and subcontractors should be expanded to include all farmland on New York State property, completely ban all uses, or further limit the use of glyphosate in New York State.

The proposed regulation was developed to provide the structure to ensure compliance with the provisions of subdivision 12 of ECL Section 33-1301, which only relates to the use of glyphosate on state property. DEC does not intend to expand the scope of this proposed regulation beyond the use of glyphosate on state property as required by the statutory provisions.

Comments 6 NYCRR 325.42(a):

One commentator requested that DEC expand the definition of invasive species in the proposed regulation. DEC was looking to provide the most flexibility associated with the identification of invasive species possible and believes that Article 9 title 17 of the ECL provides the greatest flexibility to comply with the proposed regulation.

A commentator asked how DEC will identify invasive species when the proposed regulation refers to “as identified by the Department.” The process to make non-listed invasive species determinations for this proposed regulation still needs to be developed by DEC’s Bureau of Pesticides Management and Bureau of Invasive Species and Ecosystem Health. The process will likely involve the use of existing resources available to DEC which may include the use of DEC staff, partner organizations with expertise, federal resources, New York iMapInvasives, and other invasive species regulations.

Comments were received regarding the definition of location in the proposed regulation. Several commentators claimed that this definition is impractical for this regulation since the exact location of the target species or specific address may not be known in advance of the application which will make it extremely difficult to meet the location requirement of subparagraph 325.42(c)(1)(iii).

To address these comments subparagraph 325.42(c)(1)(iii) in the proposed regulation will be amended from “the application location(s)” to “a description of the target area(s).” This amendment will allow treatment locations to be described in general terms for subparagraph 325.42(c)(1)(iii) which will provide greater flexibility for invasive species control during the development of the documentation required in subdivision 325.42(c). The term “target area” will be added to the definitions in subdivision 325.42(a). However, the definition of the term “location” will remain as is in the proposed rulemaking for reporting purposes.

A comment was received regarding the regulatory impact statement (RIS) which indicates that easements would be considered “state property.” The commentator considers the RIS to be in conflict with the definition of state property in the regulation and recommends that “easements” be removed from the RIS.

It was determined by DEC that owned in fee rights-of-ways and owned in fee easements are considered state property for the purpose of this regulation. Owned in fee is a type of ownership that provides complete control over a piece of property; therefore, since state departments, state agencies, and public benefit corporations have complete control and ownership of the property DEC will view owned in fee rights-of-ways and owned in fee easements as meeting the definition of state property for this regulation.

A comment was received requesting that DEC consider adding “pesticide applicator” to paragraph 325.42(a)(1), paragraph 325.42(a)(15), and subdivision 325.42(b). Any person applying glyphosate under this regulation would be considered a pesticide applicator. DEC believes that there is no need to specifically mention contractors or subcontractors as pesticide applicators in the regulation.

A comment was received requesting additional information be placed in the RIS regarding health effects from the application of glyphosate. The RIS for this proposed regulation provided information related to health concerns and the United States Environmental Protection Agency’s interim decision associated with glyphosate. The RIS was not intended to provide a complete description of the health effects related to glyphosate, which is well beyond the scope of this proposed regulation.

A commentator wanted it to be recognized that there will be a cost to contractors and subcontractors, the state, and taxpayers to implement this proposed regulation. DEC recognized in the RIS that to enact this statute and the regulation would increase costs for state departments, state agencies, and public benefit corporations. The intent of the regulation is to place the onus on the state department, state agency, or the public benefit corporation to determine that glyphosate pesticide products are acceptable for use on state property and not upon contractors or subcontractors to bear the costs.

Comments 6 NYCRR 325.42(b)

A comment inquired as to which state agency’s glyphosate use determination a contractor or subcontractor needs to follow when a glyphosate application occurs on state property that is not under the control of the contracting state agency.

A glyphosate use determination is not mentioned in the proposed regulation; however, DEC speculates that the commentator is referring to the three items required by the proposed regulation which includes documentation that the application is necessary for one of the uses listed in subparagraphs 325.42(b)(1)(i) through (iv), the human exposure assessment, and the glyphosate alternative analysis. It is the state department’s, state agency’s, or public benefit corporation’s responsibility to meet the requirements of the regulation and retain the required documentation. The contractor or subcontractor must operate according to the conditions set forth in the contracting state department’s, state agency’s, or public benefit corporation’s documents.

A comment was made requesting a definition for no actual or significant threat of direct human exposure in paragraph 325.42(b)(2) of the proposed regulation. DEC considered this request and it was recognized that a definition or quantifiable measure for this requirement would not be possible for DEC to establish for every application scenario by each state department, state agency, or public benefit corporation applying glyphosate. The conditions that may be necessary to protect people from glyphosate exposure are specific to the application types and possibly locations.

A commentator suggested that the use of glyphosate in accordance with the label directions is the standard to reduce or eliminate actual or significant threat of direct human exposure. This commentator considers that through pesticide label development and approval process the pesticide label is sufficient to serve as the human exposure assessment in the regulation. It is the state department’s, state agency’s, or public benefit corporation’s responsibility to have a written human exposure assessment which must include conditions on how the label requirements will be met for the specific application type to protect people from exposure.

A comment was received that without a regulatory standard to measure human exposure there could be numerous versions of the human exposure assessment. This commentator also mentioned that each state department, state agency, or public benefit corporation may not have the expertise and resources to create these assessments.

DEC recognizes and expects that there would be multiple versions of the human exposure assessment since they will be specific to the state department, state agency, or public benefit corporation based upon application type and location. If a state department, state agency, or public benefit corporation does not have the expertise or resources to create this assessment as required by the regulation they should not apply glyphosate products on state property as they would not be able to comply with the statutory requirement in ECL 33-1301.

A commentator suggested that the human exposure assessment could be provided on a system wide basis when the effects, setting, and pathways of exposure do not change. The human exposure assessment depends on the type of application that will occur. If the type of application remains the same and the human exposure assessment can be developed to consider the scenarios in which humans may be exposed to glyphosate, the assessment can be developed on a system wide basis.

A commentator requested that DEC place a specific allowance in the regulation for gas and electric infrastructure vegetation management to ensure public safety into the regulation. DEC recognized that identifying and listing each type of critical infrastructure was impractical. Critical infrastructure was purposely defined broadly to allow for a wide range of coverage by this definition. DEC is choosing not to place a specific allowance for gas and electric infrastructure into the regulation.

A commentator asked for clarification associated with 6 NYCRR 325.42(b)(4)(vi). The commentator believes that the wording of this item should be clarified to further define the intention of “any” conditions and “modified.” Furthermore, the commentator believes that the regulation in both paragraphs 325.42(b)(2) and 325.42(b)(4) do not mandate the development of conditions or define what a condition is in the human exposure assessment or the glyphosate alternative analysis. The commentator also requested an amendment to subparagraph 325.43(b)(4)(iv) to indicate that an update to the glyphosate alternative analysis is only required when the criteria are modified to change the conclusions of the analysis.

The term “condition” referred to in the regulation describes the items addressed in the human exposure assessment and glyphosate alternative analysis. The term “condition” is synonymous with “specifications” or “requirements” and describes the information placed in the human exposure assessment and glyphosate alternative analysis to justify applying glyphosate according to the statute and regulation. DEC considers the term “conditions” as appropriate for these requirements and it will remain in the regulations. As for the commentator’s request, the glyphosate alternatives analysis must be updated whenever there are deviations from the conditions in the glyphosate alternative analysis and not only those that change the conclusion of the analysis.

A commentator suggested that the glyphosate alternative analysis could be provided on a system wide basis. The glyphosate alternative analysis depends on the type of application that will occur. If the type of application remains the same the glyphosate alternative analysis

can be developed to consider system wide scenarios in which glyphosate is acceptable to be used.

Comments 6 NYCRR 325.42(c):

A comment was received concerning the ability to plan application dates prior to application as required by subparagraph 325.42(c)(1)(i) based upon weather and other factors. Subparagraph 325.42(c)(1)(i) allows for individual date, dates, or a date range to be documented prior to application.

Department of Health

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Update Standards for Adult Homes and Standards for Enriched Housing Programs

I.D. No. HLT-18-23-00013-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 485, 486, 487, 488 and 490 of Title 18 NYCRR.

Statutory authority: Social Services Law, sections 461 and 461-e(5)

Subject: Update Standards for Adult Homes and Standards for Enriched Housing Programs.

Purpose: To address changes required to achieve and sustain compliance with the Federal Home and Community Based Settings final rule.

Substance of proposed rule (Full text is posted at the following State website: <https://regs.health.ny.gov/regulations/proposed-rule-making>): These proposed regulations amend 18 NYCRR sections 485.14, 486.5, 487.5, 487.7, 487.11, 488.5, 488.7, 488.11, 490.5, 490.7, and 490.11, which pertain to resident rights and services in all adult care facilities (Part 485), including Adult Homes (Part 487), Enriched Housing Programs (Part 488), and Residences for Adults (Part 490). The changes incorporate the residents' rights standards of the final Home and Community-Based Services (HCBS) regulation, promulgated by the Centers for Medicare & Medicaid Services, including the rights of access to visitors, freedom of choice, and community participation. The proposed regulations also amend reporting requirements in the event of a resident death or attempted suicide, or where a felony crime may have been committed by or against a resident, pursuant to Social Services Law section 461-m. Specific amendments include:

Section 485.14: requires operators to provide unrestricted access to common areas for at least ten hours between 9am and 8pm, and to allow common space visits taking place outside this timeframe, or visits taking place in resident living spaces at any time, pursuant to the facility's policy.

Sections 487.5(a), 488.5(a), and 490.5(a): require the statement of rights to be provided to each resident at the time of admission and reviewed with the resident periodically thereafter, and further amended to expand on residents' rights, including rights to: (a) manage their own personal affairs, including the right to determine from whom medical services are received, provided such services are within the provider's scope of practice; (b) have privacy in their own room and sleeping unit, with only appropriate staff having access; (c) choose a private room if available and affordable or be offered a choice of roommates in a shared unit; (d) decorate their own room; (e) have their dignity preserved and be free from coercion and restraint; (f) engage in community life, including activities outside of the facility; (g) be afforded the opportunity to seek employment and work in the greater community; and (h) to control their own schedule and activities and have access to food at any time.

Sections 487.7, 488.7, and 490.7: require operators to file a report with the Justice Center for the Protection of People with Special Needs in the event of a resident's death or attempted suicide, or when a felony crime may have been committed by or against a resident, if the resident had at any time received services from a mental hygiene services provider. Amendments further require reporting to the appropriate law enforcement authority when a felony crime may have been committed by or against a resident. These sections will also require case management to include episodic evaluation of the resident's needs and goals; to document each resident's understanding of their rights and responsibilities; and to support residents in making decisions about daily activities to participate in, with whom to interact, and the physical environment in which the resident resides.

Sections 487.11(1)(14), 488.11(h), and 490.11(m)(14)(i): require all bedrooms to be lockable by the resident via an appropriate locking mechanism, with only appropriate staff having access.

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

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

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

Regulatory Impact Statement

Statutory Authority:

Social Services Law (SSL) section 461(1) requires the Department of Health (Department) to promulgate regulations establishing general standards applicable to adult care facilities. SSL section 461-e(5) authorizes the Department to promulgate regulations to require an adult care facility to maintain certain written records with respect to the facility's residents and the operation of the facility.

Legislative Objectives:

The legislative objective of SSL section 461 is to promote the health and well-being of adults residing in adult care facilities. SSL section 461-e is intended to ensure that adult care facilities maintain sufficient records to enable the Department to monitor facilities serving residents.

Needs and Benefits:

The proposed regulatory changes set forth additional resident rights and articulate specific instances that must be reported to both the Department and the Justice Center for the Protection of People with Special Needs (Justice Center). These amendments will better protect adult care residents and ensure their safety and well-being is improved. For example, the regulation will permit many residents to have greater access to their community, which can lead to greater residential satisfaction. Operators will also benefit from these changes, as they provide clarity and direction for the operation of facilities.

The regulations are also necessary to bring Department regulations in line with policy guidance issued by the Department in response to the promulgation of the federal Home and Community-Based Services (HCBS) final rule. Previously-issued policy guidance includes Dear Administrator Letter (DAL) 17-09 (dated November 13, 2017) and DAL 18-15 (dated November 9, 2018), which provided guidance for assisted living programs and adult care facilities to comply with the HCBS final rule. As compliance with the HCBS final rule is required by March 17, 2022, these regulations serve an important purpose to ensure that all covered facilities fully understand the HCBS final rule requirements, and that the Department can effectively enforce those requirements.

Finally, these regulations are needed to effectuate statutory changes to SSL § 461-m in 2017 and 2018. SSL § 461-m now requires operators of adult homes, enriched housing programs, and residences for adults to report (1) any death or attempted suicide of a resident to the Department within 24 hours and (2) any incident that the operator believes or reasonably should believe would constitute a felony crime against a resident to an appropriate law enforcement authority. The statute further requires such operators to send any reports involving a resident who had at any time received services from a mental hygiene service provider to the Justice Center.

Costs:

Costs to Private Regulated Parties:

The Department anticipates that there will be minimal costs to the regulated parties (that is, operators of Adult Homes, Enriched Housing Programs, and Residences for Adults). These minimal costs are in the form of increased paperwork due to new reporting requirements of specific incidents to the Justice Center. Additionally, some facilities may need to update policies and retrain staff to ensure that resident rights are respected pursuant to the amended regulations.

Costs to Local Government:

This proposal will not impact local governments unless they operate Adult Homes, Enriched Housing Programs, or Residences for Adults, in which case the impact would be the same as outlined above for private parties.

Costs to the Department of Health:

The Department does not anticipate costs to be incurred as a result of the proposed rule. Any work required by the proposed rule, such as monitoring compliance with new residents' rights standards, will be accomplished using existing resources.

Costs to Other State Agencies:

The proposed regulations will require reporting to the Justice Center. However, the Justice Center is expected to utilize existing resources to receive and review these reports.

Local Government Mandates:

Local governments that operate Adult Homes, Enriched Housing

Programs, or Residences for Adults must comply with this regulation. No new local government program, project, or activity is required by the proposed regulations.

Paperwork:

The rule requires reporting of specific incidents to the Justice Center on a form prescribed by the Justice Center. Operators will be required to document additional information under the proposed rules, such as residents' understanding of their rights under the applicable laws as well as residents' needs and goals. However, the Department does not expect this additional documentation to be burdensome, as operators are already required to document multiple aspects of residents' needs under existing regulations.

Duplication:

In some instances, the new Justice Center reporting requirements will duplicate the report submitted to the appropriate regional office of the Department. However, these reporting requirements are mandated pursuant to SSL section 461-m. No other State or federal rules will duplicate, overlap or conflict with the proposed rule.

Alternatives:

This rule is necessary to align Department regulations with the SSL, prior Department guidance, and the HCBS final rule. No other alternatives are viable, as promulgation of regulatory changes are required to align regulations with existing State and federal laws.

Federal Standards:

Adult care facilities are regulated by the State. However, following the promulgation of the HCBS final rule, the State was required to update regulations to maintain compliance with federal laws. These regulatory changes will therefore work in conjunction with relevant federal laws and will enhance Department guidance documents issued following promulgation of the HCBS final rule, including DAL 17-09 (dated November 13, 2017) and DAL 18-15 (dated November 9, 2018), which provided guidance for assisted living programs and adult care facilities to comply with the HCBS final rule.

Small Business Guide:

A small business guide, required by State Administrative Procedure Act (SAPA) section 102-a, is unnecessary at this time. Through DAL 17-09 and DAL 18-15, the Department previously communicated requirements to comply with the HCBS final rule to all adult care facilities and assisted living programs, and these requirements are incorporated into the proposed amended regulations. Additionally, adult homes and enriched housing programs have already been required to report certain instances regarding resident deaths and suicide attempts to the Justice Center. The Department will also remind adult care facilities of these existing guidance documents and legal requirements prior to the effective date of these regulatory amendments.

Compliance Schedule:

Adult care facilities are expected to be able to comply with these regulations immediately. The proposal shall be effective upon publication of a Notice of Adoption in the New York State Register.

Regulatory Flexibility Analysis

Effect of Rule:

For purposes of this regulatory flexibility analysis, the Department considers small businesses to be adult care facilities with 100 or fewer full-time staff. Based upon information garnered through licensing and surveys of facilities, 549 adult care facilities employ 100 or fewer full-time staff. Two local governments have been identified as operating an adult care facility, one each in the counties of Chenango and Warren.

Although this proposal will therefore affect small business and local governments that operate adult care facilities, the Department finds that the proposed regulations are necessary to ensure that the health and well-being of all adult care facility residents is best protected. Additionally, many of the proposed regulations are consistent with policy guidance that the Department has previously provided as well as State and federal laws (i.e., the SSL and the HCBS final rule). As such, the Department does not anticipate that small businesses and local governments will be unduly burdened by the proposed regulatory changes given their prior awareness.

Professional Services:

No additional professional services will be required by small businesses or local governments to comply with this rule.

Compliance Costs:

The Department anticipates that there will be minimal costs to all regulated parties, including the 549 adult care facilities identified by the Department as small businesses and the two local governments operating an adult care facility. These minimal costs are in the form of increased paperwork due to new reporting requirements of specific incidents to the Justice Center. Additionally, some facilities may need to update policies and retrain staff to ensure that resident rights are respected pursuant to the amended regulations.

Economic and Technological Feasibility:

The Department does not anticipate that regulated parties will need to invest in new technologies to comply with these regulatory changes. The

Department-prescribed Incident Report form will be electronic; however, the Department expects that all regulated parties will be able to submit this electronic form using existing technologies, given that the prescribed form will be completed and submitted via the Health Commerce System. Therefore, the Department anticipates that compliance with the proposed rule will be both economically and technologically feasible.

Minimizing Adverse Impact:

As any compliance costs are expected to be minimal, the Department did not consider any approaches for minimizing adverse economic impact as listed in SAPA section 202-b(1).

Small Business and Local Government Participation:

There was no participation from small businesses or local governments in the drafting of this rule. However, the Department will duly consider any comments submitted by representatives of these entities during the public comment period.

Establishment of a Penalty Associated with a Violation of Standards:

This rule establishes no new penalty associated with a violation of standards contained in the regulations. Under existing law (18 NYCRR 486.1), the Department has authority to cite and seek enforcement against a facility with a violation upon noncompliance with the requirements of this rule.

Rural Area Flexibility Analysis

Types and Estimated Numbers of Rural Areas:

This rule applies uniformly throughout the state, including rural areas. Rural areas are defined as counties with a population less than 200,000 and counties with a population of 200,000 or greater that have towns with population densities of 150 persons or fewer per square mile. The following 43 counties have a population of less than 200,000 based upon the United States Census estimated county populations for 2010 (<http://quickfacts.census.gov>). Approximately 17% of small health care facilities are located in rural areas.

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

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

The proposed rule requires reporting of certain incidents to the Justice Center. However, regulated parties are already required to report such incidents to the Department, and adult homes and enriched housing programs were previously required to report resident deaths and suicide attempts to the Justice Center. As such, the Department does not anticipate that regulated parties will be burdened by this requirement, nor are they expected to require professional services to comply with the proposed rule.

Costs:

The Department anticipates that there will be minimal costs to all regulated parties statewide, including regulated facilities operating in rural areas. These minimal costs are in the form of increased paperwork due to new reporting requirements of specific incidents to the Justice Center. Additionally, some facilities may need to update policies and retrain staff to ensure that resident rights are respected pursuant to the amended regulations.

Minimizing Adverse Impact:

There are minimal adverse impacts associated with this proposed rule. All facilities statewide will be required to complete additional paperwork due to their new reporting responsibilities to the Justice Center. Additionally, the Department expects that some facilities will be required to update policies and retrain staff to ensure that resident rights are respected pursuant to the amended regulations. Nevertheless, the proposed rule is anticipated to improve resident safety and well-being in adult care facilities statewide. Additionally, the proposed rule is necessary to bring Department guidance in line with the SSL and the HCBS final rule. As such, the benefits greatly outweigh the minimal adverse impacts on facility operators.

Rural Area Participation:

There was no participation from rural area representatives in the drafting of this rule. However, the Department will duly consider any comments submitted by such representatives during the public comment period.

Job Impact Statement

A Job Impact Statement for these amendments 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 and/or employment opportunities.

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

Standards for Tissue Banks and Nontransplant Anatomic Banks

I.D. No. HLT-18-23-00014-P

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

Proposed Action: Amendment of Part 52 of Title 10 NYCRR.

Statutory authority: Public Health Law, section 4365

Subject: Standards for Tissue Banks and Nontransplant Anatomic Banks.

Purpose: To remove discriminatory requirements pertaining to reproductive tissue and make technical corrections.

Text of proposed rule: Subdivision (c) of section 52-3.4 is amended to read as follows:

(c) All required clinical laboratory testing shall be performed by a laboratory operating under a permit issued by the department. For out-of-state tissue acquisitions by New York State-licensed banks, all required clinical laboratory testing shall be performed by a laboratory which is approved by that state’s regulatory authority, the [United States Health Care Financing Administration] *Centers for Medicare and Medicaid Services*, or by the department.

(1) Blood samples from all allogeneic donors of tissue for clinical use, except oocyte donors tested in accordance with section 52-8.6(h)(j) of this Part shall be tested for evidence of infection with HIV-1, HIV-2, hepatitis B virus (HBV), including hepatitis B surface antigen (HBsAg), hepatitis C virus (HCV) and, except for donors of eye tissue or tissue to be virally inactivated, human T-lymphotropic virus type I (HTLV-I), for purposes of donor selection. If available, aliquots of residual serum or plasma shall be frozen for retrospective testing of donors in the event that new or improved tests become available prior to the distribution of donated tissue.

* * *

Subdivision (d) of section 52-8.1 is amended to read as follows:

(d) Client-depositor means an [man] *individual* who deposits reproductive tissue prior to intended or potential use in artificial insemination or assisted reproductive procedures performed *solely* on [his] *themselves or their* regular sexual partner[, or a woman who deposits reproductive tissue for processing into embryos and subsequent implantation into the same woman].

Subdivision (a) of section 52-8.6 is amended to read as follows:

(a) For reproductive tissue banks located within New York State, all required clinical laboratory testing shall be performed by a laboratory operating under a permit issued by the department. For out-of-state reproductive tissue banks, all required clinical laboratory testing shall be performed by a laboratory which is approved by that state’s regulating authority, the [United States Health Care Financing Administration] *Centers for Medicare and Medicaid Services*, or by the department.

Subdivision (h) of section 52-8.7 is amended to read as follows:

(h) Embryos shall not be created for donation [by fertilizing donor oocytes with donor semen.] except at the request of a specific patient [who intends to use such embryos for her own treatment].

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) Article 43-B provides for regulation of tissue banks and nontransplant anatomic banks operating in or distributing tissue to New York State, and PHL § 4365 gives the Commissioner of Health the authority to promulgate regulations to establish standards for such banks.

Legislative Objectives:

The legislative objective of Article 43-B of the PHL is to provide the Department of Health the authority to regulate tissue banks in order to protect New Yorkers from the risks of transmission of infectious diseases, while ensuring safe tissue for transplant is available for patients in need. The Marriage Equality Act of 2011 granted same-sex couples the ability to enter into civil marriages. The Child-Parent Security Act of 2020 legally

recognized gestational surrogacy with the intent of allowing same-sex couples to become parents more easily. In 2021, in response to changes in Insurance Law §§ 3216(l), 3221(h), 3221(k)(6), 4303(s), 4303(l), and 4304(l), the Department of Financial Services required that New York Health Insurers cover fertility services for all New Yorkers, regardless of sexual orientation or gender identity, thereby helping protect the rights of women and LGBTQ New Yorkers. In total, there is clear legislative intent to end discrimination due to sexual orientation.

Needs and Benefits:

Most significantly, the proposed amendments remove discriminatory language that treats same-sex couples differently than heterosexual couples, consistent with the legislative intent, without increasing public health risks. The amendments also correct two instances of outdated language in the current regulation and correct a mistaken internal reference.

A client-depositor is defined in section 52-8.1(d) as a person who deposits reproductive tissue at a tissue bank for their own future use or use with their regular sexual partner. Unlike donors, client-depositors are not required to be screened or tested for infectious diseases, at increased cost and inconvenience. The current definition includes gendered terms and applies only to a man depositing semen for insemination or other assisted reproductive procedures with his partner, or a woman depositing an egg for her own future use and discriminates against women in a same-sex relationship who are providing reproductive tissue to each other in so-called “partner assisted reproduction.” As currently written, section 52-8.1 instead defines such a woman as a donor, subject to testing and screening requirements common to all donors that are not sexually intimate with the recipient, and potentially significantly increasing the costs to such women, without any benefit to public health. Amending the definition of client-depositor addresses this by removing the gendered terms and applying the definition equally to all sexually intimate couples.

The current section 52-8.7(h) precludes the creation of embryos using donor tissue except at the request of a specific recipient intending to use the embryos for her own treatment. This is overly restrictive and contrary to current practice in reproductive medicine outside New York State, discriminates against male same-sex couples, and is contrary to New York’s mandates regarding insurance coverage for fertility services and the intent of the Child-Parent Security Act (CPSA). Section 52-8.7(h) currently requires that an embryo be created only for a patient who intends to use the embryo for her own treatment. There are relatively few gestational carriers compared to need, so current practice amongst gestational surrogacy programs is to require the creation of embryos prior to the identification of a suitable gestational carrier, in order to determine that healthy, viable embryos are available. As male-male same sex couples must obviously use a donor egg to create offspring, the language of section 52-8.7(h) precludes the creation of an embryo prior to finding a gestational carrier, thereby excluding them from the benefits of fertility treatments and the CPSA’s promotion of gestational carrier use. The same would also hold true for single men who desire to have a child via gestational carrier, as well as heterosexual couples with infertility diagnoses that reduce the likelihood of creation of healthy embryos.

The amendments in section 52-3.4(c) and 52-8.6(a) simply correct outdated language to accurately refer to the Centers for Medicare and Medicaid Services, and the amendment in section 52-3.4(c)(1) corrects a mistaken internal reference, which should refer to subdivision (i) rather than subdivision(h) of section 52-8.6.

Costs:

Costs to Regulated Parties:

The proposed amendments will not impose costs on regulated parties.

Costs to the Agency, State and Local Governments:

The proposed amendments will not impose additional costs to the Department, the State, or to local governments.

Local Government Mandates:

The proposed amendments impose no new mandates on local governments.

Paperwork:

The proposed amendments do not require any additional record keeping requirements.

Duplication:

The proposed amendments do not duplicate or conflict with any other law, rule or regulation. The proposed amendments overlap partially with federal regulations and better align New York State’s requirements with the federal requirements.

Alternatives:

The only alternative to amending the regulation would be to maintain it in its current form. However, this alternative was rejected because it would be contrary to the Child-Parent Security Act.

Federal Standards:

The US Food and Drug Administration (FDA) also regulates tissue banks. New York’s tissue banking standards, found in 10 NYCRR Part 52,

generally align with FDA's requirements or establish additional protections for New Yorkers, except that FDA's requirements already use gender-neutral terms and allow female partners to provide eggs to each other without being considered donors. The proposed amendment to section 52-8.1(d) better aligns New York with FDA. The proposed amendments do not exceed requirements of the Federal government.

Compliance Schedule:

The Department expects that regulated parties should be able to comply with the proposed regulation as of its effective date.

Regulatory Flexibility Analysis

No Regulatory Flexibility Analysis is required pursuant to section 202-(b)(3)(a) of the State Administrative Procedure Act. The proposed amendment does not impose an adverse economic impact on small businesses or local governments, and it does not impose reporting, recordkeeping or other compliance requirements on small businesses or local governments.

Rural Area Flexibility Analysis

A Rural Area Flexibility Analysis for these amendments is not being submitted because the amendments will not impose any adverse impact or significant reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. There are no professional services, capital, other compliance costs imposed on public or private entities in rural areas as a result of the proposed amendments.

Job Impact Statement

A Job Impact Statement for these amendments 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 and/or employment opportunities.

Public Service Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

A Request for Waiver of Negative Revenue Adjustments

I.D. No. PSC-18-23-00001-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 NYSEG and RG&E requesting waiver of negative revenue adjustments related to their failure to satisfy customer service metrics.

Statutory authority: Public Service Law, sections 65 and 66

Subject: A request for waiver of negative revenue adjustments.

Purpose: Whether it is in the public interest to waive the negative revenue adjustments for NYSEG and RGE.

Substance of proposed rule: The Commission is considering the petition of New York State Electric & Gas Corporation (NYSEG) and Rochester Gas and Electric Corporation, (RG&E), collectively the Companies) filed on February 7, 2023, requesting a waiver of negative revenue adjustments related to their failure to successfully meet customer service metric performances.

Under the Companies' current rate multi-year rate plan, as established in Cases 19-E-0378, 19-G-0379, 19-E-0380, and 19-G-0381, the Companies are subject to certain Customer Service Performance Indicator metrics which, if not met, result in negative revenue adjustments (NRAs). The Companies failed to meet the requirements for the percentage of estimated bills, percent of calls answered within 30 seconds, number of complaints per 100,000 customers, and contact satisfaction metrics for the year 2022.

The rate plan allows the Companies to petition for a waiver of the NRAs if their failure to meet a customer service performance metric is due to reasons that were outside the Companies' control. The petition argues that the following uncontrollable factors were the cause of the missed customer service targets: an inability to read indoor meters due to COVID restrictions and concerns; high employee absenteeism caused by the pandemic; a challenging labor market; and, increased call volumes. The level of increased calls, the Companies assert, was due to the ending of the collection moratorium, billing adjustments (where customer bills that were based on actual reads were dis-

seminated after multiple estimates had been issued), the restarting of the economy causing customers to move and submit new service requests, issues related to energy management companies, community distributed generation program issues, and higher commodity costs.

The Companies state that these factors led to increased turnover in employees, which impaired their customer service and meter reading abilities. The Companies also state that changes in energy usage during the pandemic made estimated bills less accurate, while changes in the utility markets and state policy increased billing complexity, despite the Companies not having the resources to update their billing software.

The Commission is considering whether the Companies have sufficiently argued that the customer service shortfalls were the result of factors beyond their control to justify a waiver of the NRAs.

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

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

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

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

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

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

(19-E-0378SP3)

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Consideration of the Audit Implementation Plan and Audit Recommendations

I.D. No. PSC-18-23-00002-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 the Audit Implementation Plan filed by Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. and whether to order the implementation of audit recommendations.

Statutory authority: Public Service Law, sections 66(19)

Subject: Consideration of the Audit Implementation Plan and audit recommendations.

Purpose: To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.

Substance of proposed rule: The Commission is considering the Audit Implementation Plan filed by Consolidated Edison Company of New York, Inc. (Con Edison) and Orange and Rockland Utilities, Inc. (O&R) on March 17, 2023.

Public Service Law § 66(19) authorizes the Commission to conduct management and operations audits of each utility company under its jurisdiction, select an independent auditor to conduct the audit, and direct the audited utility company to implement the recommendations resulting from the audit. At issue is the final version of "A Comprehensive Management and Operations Audit of Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc.," prepared by Northstar Consulting Group and issued in Case 21-M-0193 on February 16, 2023. Con Edison and O&R subsequently filed an Audit Implementation Plan on March 17, 2023 for the purpose of addressing the 42 actionable recommendations contained in the Audit Report.

The full text of the Audit Implementation Plan and the full record of the proceeding may be reviewed online at the Department of Public

Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(21-M-0193SP1)

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

PSC Regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2); and 88.4(a)(4)

I.D. No. PSC-18-23-00003-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 motion filed by National Grid d/b/a Niagara Mohawk for waiver of certain provisions of 16 NYCRR regarding requirements for applications under PSL Article VII for Certificates of Environmental Compatibility and Public Need.

Statutory authority: Public Service Law, sections 4 and 122

Subject: PSC regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2); and 88.4(a)(4).

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

Substance of proposed rule: The Commission is considering the motion of Niagara Mohawk Power Corporation d/b/a National Grid (Applicant), filed on November 18, 2022, for a waiver request of the following application requirements related to its Application for a Certificate of Environmental Compatibility and Public Need pursuant to Public Service Law Article VII for the Lockport-Batavia Line 112 Rebuild Project in Niagara and Genesee Counties: (1) 16 NYCRR § 86.3(a)(2), which requires submission of New York State Department of Transportation maps at a scale of 1:250,000 showing the relationship of the proposed facility to the overall system; (2) 16 NYCRR § 86.3(b)(2), which requires submission of aerial photographs of urban areas and urbanizing fringe areas taken within six months of the date of filing; and (3) 16 NYCRR § 88.4(a)(4), which requires submission of system studies showing flows on the transmission line under varying conditions, including a copy of the system reliability impacts study.

The Applicant proposes to construct, operate, and maintain the Lockport-Batavia Line 112 Rebuild Project, which is the reconstruction and selective relocation of an existing 115 kilovolt transmission line, Line 112, for a total of approximately 21.7 miles running between the Applicant's Lockport Substation in the City of Lockport, Niagara County, and its Batavia Substation in the City of Batavia, Genesee County. The Applicant proposes to replace the existing single-circuit steel tri-leg "aeromotor" towers with new single-circuit galvanized tubular steel pole structures. Most of the rebuilt Line 112 would be located along the same centerline as the existing Line 112, except that one approximately 2-mile segment would be relocated approximately 0.2 miles to the northeast of the existing line.

The rebuilt Line 112 includes new conductor, new fiber optic ground wire between structure 2 to structure 211, and new shield wire in locations where a second shield wire is necessary. The Project also includes installation of stormwater management features, establishing one or more temporary laydown/staging areas and marshaling yards, and constructing or improving supporting access roads.

The full text of the motion for waiver request and the full record of the proceeding may be reviewed online at the Department of Public

Service web page: www.dps.ny.gov. The Commission may adopt, reject or modify, in whole or in part, the action proposed and may resolve related matters.

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

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

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

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

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

(22-T-0654SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-18-23-00004-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 notice of intent of Flushing Point Property LLC to submeter electricity at a condominium building complex at 131—02A, 131-02B, 40th Road, Flushing, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by Flushing Point Property LLC on January 19, 2023, seeking authority to submeter electricity at a new fair market rate condominium building complex, situated at 131-02A, 131-02B, 40th Road, Flushing, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

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

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

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

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

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

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

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

(23-E-0039SP1)

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

Transfer of Street Lighting Facilities

I.D. No. PSC-18-23-00005-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 a petition filed by Niagara Mohawk Power Corporation d/b/a National Grid seeking authorization to transfer certain street lighting facilities in the City of Watervliet to the City of Watervliet.

Statutory authority: Public Service Law, sections 5, 65, 66 and 70(1)

Subject: Transfer of street lighting facilities.

Purpose: To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.

Substance of proposed rule: The Public Service Commission (Commission) is considering a petition filed on March 13, 2023, by Niagara Mohawk Power Corporation d/b/a National Grid (National Grid), requesting authorization to transfer certain street lighting facilities located in the City of Watervliet (the City) to the City.

The original cost of the facilities was approximately \$289,086 and the net book value of the assets was \$130,370, as of December 31, 2022. National Grid proposes to transfer the street lighting facilities to the City for approximately \$143,726, which includes the net book value of the assets as well as transition and transaction costs. National Grid explains that the agreement provides that the purchase price will be adjusted (up or down) to reflect the actual net book value at the date of the closing.

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

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

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

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

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

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

(23-E-0139SP1)

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

Notice of Intent to Submeter Electricity

I.D. No. PSC-18-23-00006-P

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

Proposed Action: The Commission is considering the notice of intent of Parker57, LLC to submeter electricity at 119 West 56th Street, New York, New York.

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

Subject: Notice of intent to submeter electricity.

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

Substance of proposed rule: The Commission is considering the notice of intent filed by Parker57, LLC on February 6, 2023, seeking authority to submeter electricity at a new fair market rate condominium building, situated at 119 West 56th Street, New York, New York, located in the service territory of Consolidated Edison Company of New York, Inc. (Con Edison).

In the notice of intent, Parker57, LLC requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residential tenants is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

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

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

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

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

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

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

(23-E-0059SP1)

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

Minor Electric Rate Filing to Increase Annual Electric Revenues

I.D. No. PSC-18-23-00007-P

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

Proposed Action: The Commission is considering proposed tariff amendments filed by the Village of Churchville, to P.S.C. No. 1 — Electricity, that would increase its annual electric revenues by approximately \$296,000 or 16.1 percent.

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

Subject: Minor electric rate filing to increase annual electric revenues.

Purpose: To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Substance of proposed rule: The Commission is considering a proposal, filed by the Village of Churchville (Village) on March 31, 2023, to amend its electric tariff schedule, P.S.C. No. 1 – Electricity, to increase its annual electric base revenues by approximately \$296,000, or 16.1 percent. The proposed filing would increase the base revenue portion of the monthly bill of a residential customer using 750 kilowatt-hours from \$37.28 to approximately \$45.91.

The Village is a public power community that provides electric service to approximately 1,100 customers, in Monroe County, New York. The Village states that its last base rate increase was effective on May 1, 2010, and a rate increase is necessary because the existing customer base rates can no longer sustain the Village's day-to-day operations due to increased costs related to the following: purchased power, labor, employee health and pension benefits; the proposed budget to replace the Village's aging infrastructure; and maintaining a highly trained and qualified workforce. The proposed tariff amendments have an effective date of October 1, 2023.

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

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

Data, views or arguments may be submitted to: Michelle L. Phillips, Sec-

retary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov

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

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

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

(23-E-0159SP1)

**HEARINGS SCHEDULED
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
Education Department		
EDU-18-23-00008-P.....	Corporal Punishment, Restraint, and Seclusion	<p>Education Building, Rm. 146, 89 Washington Ave., Albany, NY—July 5, 2023, 10:00 a.m.</p> <p>Pre-registration is required at SPEDPUBLICCOMMENT@nysed.gov</p> <p>Sign-In with Security on 1st Fl., Washington Ave. Entrance</p> <p>Via Zoom—July 5, 2023, 10:00 a.m.</p> <p>Link: https://us06web.zoom.us/j/85473362070?pwd=QzFLVXZxMnVW aUxtUVhKN3hsRHNYdz09</p> <p>Meeting ID: 854 7336 2070, Passcode: 4sczjc, Call In: +1 929 436 2866 (New York)</p> <p>Via Zoom—July 5, 2023, 5:30 p.m.</p> <p>Link: https://us06web.zoom.us/j/85795315458?pwd=MGhZU2VJc2Zwe VkvMHBibldLVENuQT09</p> <p>Meeting ID: 851 9531 5458, Passcode: OewHdQ, Call In: +1 929 436 2866 (New York)</p> <p>Individuals who need reasonable accommodations to participate in the virtual or in-person public hearings should notify the Office of Special Education at SPEDPUBLICCOMMENT@nysed.gov no later than two weeks prior to the date of the hearing they plan on attending. Live captioning will be available through Zoom for the virtual hearings.</p>
Environmental Conservation, Department of		
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>
State, Department of		
DOS-13-23-00003-P.....	Uniform Code Variance and Appeal Procedures	<p>Department of State, 99 Washington Ave., Rm. 505, Albany, NY—May 31, 2023, 10:00 a.m.</p>

ACTION PENDING INDEX

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

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

For additional information concerning any of the proposals

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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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
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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
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ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF

ASA-33-22-00001-RP 08/17/23	Requirements for the establishment, incorporation and certification of providers of addiction services	To update outdated and stigmatizing language and to clarify processes of the certification process for providers and applicants
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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
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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
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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
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CHILDREN AND FAMILY SERVICES, OFFICE OF			
CFS-14-23-00010-P	04/04/24	Updates to foster care rates	To update various rules related to foster care rates and to make technical corrections
CFS-16-23-00001-EP	04/18/24	Changes to eligibility criteria for the child care assistance program	To implement statutory changes and expand access to child care assistance
CIVIL SERVICE, DEPARTMENT OF			
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
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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
CIVIL SERVICE, DEPARTMENT OF			
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.
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CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF

*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

CRIMINAL JUSTICE SERVICES, DIVISION OF

CJS-16-23-00008-EP	04/18/24	FIREARM LICENSING APPEALS	Set forth an appeal process for when there is a denial of a firearms application, renewal, or recertification, or revocation
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Action Pending Index

NYS Register/May 3, 2023

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-42-22-00004-RP	10/19/23	Student teaching requirements for registered teacher preparation programs and through the individual evaluation pathway.	To extend for one year the timeline for programs to implement the new student teaching requirements
EDU-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
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.
EDU-18-23-00008-P	07/04/24	Corporal punishment, restraint, and seclusion.	See attached.
EDU-18-23-00009-EP	05/02/24	Requirements for admission to the examination for licensure as an engineer.	See attached.
EDU-18-23-00010-EP	05/02/24	Deadline to apply and qualify for the provisional school counselor certificate.	See attached.
EDU-18-23-00011-EP	05/02/24	Education requirements for licensure as a registered professional nurse and licensed practical nurse	See attached.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
EDUCATION DEPARTMENT			
EDU-18-23-00012-P	05/02/24	initial reissuance, provisional renewal, and time extension requirements.	See attached.
ELECTIONS, STATE BOARD OF			
SBE-06-23-00012-EP	02/08/24	Provides for adjustment of campaign finance limits resulting from changes in the consumer price index	To adopt regulation specifically required by Election Law 14-114 (e)
SBE-13-23-00004-P	03/28/24	Procedures for failure to file enforcement proceedings.	Establishes expedited procedure for exclusively failure to file proceedings.
SBE-16-23-00005-EP	04/18/24	Amends the objection regulations of the New York State Board of Elections to conform with statutory changes.	Conforming regulations to requirements of Chapter 744 Laws of 2022 and Chapter 77 Laws of 2023.
SBE-16-23-00006-EP	04/18/24	Provides for gender designations on party position petitions and ballots in conformance with election law.	Effectuates Chapter 231 Laws of 2022 to allow for gender designations on party position petitions and ballots.
SBE-16-23-00007-EP	04/18/24	Provides for change to petition coversheets to facilitate ballot access and notice to candidates by email.	Effectuates Chapter 744 Laws of 2022 and Chapter 77 Laws of 2023 regarding notice to candidates by email.
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
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-28-22-00011-P	09/13/23	Forest Tax Law	Improving and sustainably managing New York's forest resources and lessening the administrative burden on participants/DEC staff
ENV-33-22-00004-P	10/20/23	Amendments to the regulations (6 NYCRR Part 621) that implement ECL article 70 (Uniform Procedures Act) and related changes	DEC is proposing the amendments as a general update to Part 621, with conforming changes to Parts 421 and 601
ENV-45-22-00021-P	01/11/24	Adding Aerosol Cans and Paint to NYS Universal Waste Rule.	Add Federal universal waste provisions relating to aerosol cans and allow waste paint to be managed as a universal waste.
ENV-46-22-00004-P	01/18/24	Chemical Bulk Storage (CBS)	To repeal existing 6 NYCRR Parts 596, 598 ,599 and replace with new Part 598; and amend existing Part 597; for the CBS program
ENV-46-22-00005-P	01/18/24	Petroleum Bulk Storage (PBS)	To amend the PBS regulations, 6 NYCRR Part 613
ENV-47-22-00005-P	01/24/24	Heavy-Duty Diesel Vehicle Inspection and Maintenance Program requirements	To update Heavy-Duty Diesel Vehicle Inspection and Maintenance Program requirements
ENV-52-22-00003-P	12/28/23	Rush Oak Openings Unique Area	Protection of public safety and natural resources
ENV-52-22-00015-EP	02/29/24	Advanced Clean Car (ACC) Standards	To adopt California's Advanced Clean Cars II (ACC II) Program regulations

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
ENVIRONMENTAL CONSERVATION, DEPARTMENT OF			
ENV-52-22-00016-EP	02/28/24	Medium- and Heavy-Duty Diesel Vehicle emission standards	To update Medium and- Heavy-Duty Diesel Vehicle emission standards and adopt CA's Heavy-Duty Omnibus and Phase 2 GHG regulations
ENV-10-23-00001-P	03/07/24	Regulations governing fisheries management of American shad in the Delaware River and cobia	Limit recreational harvest of species to ensure sustainability and consistency with interstate and federal FMPs
ENV-12-23-00005-EP	03/21/24	Regulations governing recreational and commercial fishing for striped bass.	To amend 6 NYCRR Part 40 pertaining to recreational and commercial regulations for striped bass.
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.
ETHICS AND LOBBYING IN GOVERNMENT, COMMISSION ON			
ELG-43-22-00010-EP	10/26/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction	To streamline and advance the investigative process and facilitate the expeditious and efficient performance of the Commission on Ethics and Lobbying in Government's investigative and enforcement duties as set forth in Section 94 of the Executive Law
ELG-45-22-00024-ERP	11/09/23	Adjudicatory proceedings and appeals procedures for matters under the Commission's jurisdiction.	To conform Part 941 to the new Executive Law Section 94 established by the Ethics Commission Reform Act of 2022.
ELG-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.
FINANCIAL SERVICES, DEPARTMENT OF			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
DFS-45-22-00025-P	11/09/23	Cybersecurity Requirements for Financial Services Companies	To ensure that DFS-regulated entities most effectively address new and evolving cybersecurity threats.
DFS-07-23-00003-P	02/15/24	General Duties, Accountability, and Transparency Provisions for Pharmacy Benefit Managers; Electronic Filings	To define and clarify the provisions of PHL 280-a(2) and to require electronic filings for PBMs
DFS-08-23-00001-P	02/22/24	Original issuance of license or change of control of a licensee	To eliminate existing language in the regulation that requires every licensed check cashing location to have a minimum dimension
DFS-14-23-00004-P	04/04/24	Permissible indices for variable rate loans.	To permit the use of CME Term SOFR as a replacement benchmark for LIBOR and to eliminate an obsolete index for savings & loans.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
FINANCIAL SERVICES, DEPARTMENT OF			
DFS-16-23-00002-P	04/18/24	Excess Line Placements Governing Standards	To conform to changes made by Chapter 833 of the Laws of 2022 and Chapter 93 of the Laws of 2023 and prior amendments.
GAMING COMMISSION, NEW YORK STATE			
SGC-29-22-00010-P	07/20/23	Comprehensive regulations for interactive fantasy sports	To regulate interactive fantasy sports in New York.
SGC-50-22-00009-P	12/14/23	Purchase location requirements for lottery courier services	To facilitate the proper sale of lottery tickets to generate revenue for education
SGC-08-23-00004-P	02/22/24	Amendments to rules governing the content of gaming facility license applications.	To govern the content of gaming facility license applications.
GAMING FACILITY LOCATION BOARD, NEW YORK			
GFB-04-23-00001-P	01/25/24	Minimum capital investment for additional gaming facility	To establish a minimum capital investment amount for additional gaming facilities
GFB-04-23-00002-P	01/25/24	License fee for additional gaming facility	To establish a license fee for additional gaming facilities
HEALTH, DEPARTMENT OF			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-12-22-00001-RP	06/21/23	Clinical Laboratories and Blood Banks	To allow for remote supervision and updates to provide concordance with NYSED law for qualifications of technical personnel
HLT-23-22-00001-P	06/08/23	Hospital and Nursing Home Personal Protective Equipment (PPE) Requirements	To ensure that all general hospitals and nursing homes maintain a 60-day supply of PPE during the COVID-19 emergency
HLT-26-22-00003-P	06/29/23	Repeal of Limits on Administrative Expenses and Executive Compensation	Repeal of Limits on Administrative Expenses and Executive Compensation
HLT-39-22-00020-P	11/07/23	Early Intervention Program	To conform existing program regulations to federal regulations and state statute, as well as to provide additional clarification
HLT-40-22-00002-P	10/05/23	Maximum Contaminant Levels (MCLs)	To adopt Maximum Contaminant Levels (MCLs) for four (4) additional per- and polyfluoroalkyl substances (PFAS).
HLT-41-22-00016-P	10/12/23	Licensure and Practice of Nursing Home Administration	To clarify and update the nursing home administrator licensure program.
HLT-42-22-00002-P	10/19/23	Medical Respite Program (MRP)	Establish procedures for review & approval of applications from a not-for-profit corporation to be certified as an MRP operator.
HLT-48-22-00001-P	11/30/23	Adult Day Health Care	To regulate adult day health care programs for registrants with medical needs in a non-residential health care facility

Action Pending Index**NYS Register/May 3, 2023**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
HEALTH, DEPARTMENT OF			
HLT-51-22-00006-P	12/21/23	Adult Care Facilities	To ensure consistency with various policy interpretations & compliance with the federal home&community based settings final rule
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
HLT-16-23-00004-P	04/18/24	Investigation of Communicable Disease	Control of communicable disease
HLT-16-23-00018-P	04/18/24	Utilization Reviews	To decrease the administrative burden on enrolled Medicaid fee-for-service members and providers
HLT-18-23-00013-P	05/02/24	Update Standards for Adult Homes and Standards for Enriched Housing Programs	To address changes required to achieve & sustain compliance with the federal Home & Community Based Settings final rule.
HLT-18-23-00014-P	05/02/24	Standards for Tissue Banks and Nontransplant Anatomic Banks	To remove discriminatory requirements pertaining to reproductive tissue and make technical corrections.
HOUSING AND COMMUNITY RENEWAL, DIVISION OF			
HCR-35-22-00004-P	11/15/23	The City Rent and Eviction Regulations governing rent control in New York City.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00005-P	11/15/23	The Emergency Tenant Protection Regulations regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00006-P	11/15/23	The State Rent and Eviction Regulations governing statewide rent control.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
HCR-35-22-00007-P	11/15/23	The Rent Stabilization Code regulating residential rents and evictions.	To implement changes required or informed by the Housing Stability and Tenant Protection Act of 2019.
LABOR, DEPARTMENT OF			
LAB-37-22-00004-P	09/14/23	Prevailing Wage for Aggregate Hauling	To clarify the application Labor Law § 220(3-a)(f)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LABOR, DEPARTMENT OF			
LAB-13-23-00002-P	03/28/24	Update to the Worker Adjustment and Retraining Notification (WARN) Act Rules	To provide clarification and conform to statutory changes pursuant to Labor Law Section 860-b
LAW, DEPARTMENT OF			
LAW-12-23-00006-P	03/21/24	Presumptive cases of gross disparity under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00007-P	03/21/24	Presumptive unfair leverage for large enterprises or enterprises with large market share under the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00008-P	03/21/24	Presumptive cases of gross disparity for purposes of the price gouging statute.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00009-P	03/21/24	Application of price gouging prohibition to parties within the chain of distribution.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00010-P	03/21/24	Application of the price gouging law to dynamic pricing.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00011-P	03/21/24	Presumptive cases of unfair leverage for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LAW-12-23-00012-P	03/21/24	Costs not within the control of the defendant for purposes of the price gouging law.	To facilitate enforcement of the price gouging law by providing consumer and industry guidance and statutory presumptions.
LONG ISLAND POWER AUTHORITY			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
LONG ISLAND POWER AUTHORITY			
*LPA-09-20-00010-P	..... exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets
*LPA-28-20-00033-EP	..... exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
*LPA-37-20-00013-EP	..... exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
*LPA-12-21-00011-P	..... exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input
LPA-17-22-00012-P	..... exempt	COVID-19 arrears forgiveness and low-income customer discount eligibility	To implement an arrears forgiveness program and expand low-income customer discount eligibility
LPA-17-22-00014-P	..... exempt	LIPA's delivery service adjustment cost recovery rider	To ensure recovery of T&D property tax expenses consistent with the LIPA Reform Act, at the lowest cost to LIPA customers
LONG ISLAND RAILROAD COMPANY			
LIR-50-22-00004-EP	..... 12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
MENTAL HEALTH, OFFICE OF			
OMH-46-22-00012-P	..... 11/16/23	Administrative Compensation	To Repeal Part 513 as Executive Order 38 has sunset
METRO-NORTH COMMUTER RAILROAD			
MCR-50-22-00005-EP	..... 12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
METROPOLITAN TRANSPORTATION AGENCY			
*MTA-16-22-00008-EP	..... 04/20/23	Requiring mask wearing when mandated for indoor facilities and conveyances of the MTA & ts affiliates and subsidiaries	To safeguard the public health and safety by adding a rule requiring the use of masks in facilities & conveyances when mandated
MTA-50-22-00002-EP	..... 12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
NEW YORK CITY TRANSIT AUTHORITY			
NTA-50-22-00001-EP	..... 12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
NIAGARA FALLS WATER BOARD			
*NFW-04-13-00004-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	..... exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-52-22-00004-EP	..... exempt	Adoption of Rates, Fees, and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders.
OGDENSBURG BRIDGE AND PORT AUTHORITY			
*OBA-33-18-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
*OBA-07-19-00019-P	..... exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit
PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR			
PDD-26-22-00005-P	..... 06/29/23	Gender Identity and Expression	To ensure people are treated with dignity and respect
PDD-49-22-00004-P	..... 12/07/23	Protection of Individuals Receiving Services	To add clarity and consistency
PDD-10-23-00002-EP	..... 03/07/24	General Purposes and Certification of the Facility Class Known as Individualized Residential Alternatives	To increase IRA capacity in cases of emergent circumstances
PDD-10-23-00003-P	..... 03/07/24	Eligibility Determinations	To establish the eligibility criteria for individuals applying for OPWDD services
POWER AUTHORITY OF THE STATE OF NEW YORK			
*PAS-01-10-00010-P	..... exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
PAS-11-23-00003-P	..... exempt	Rates for the Sale of Power and Energy	Maintain System's integrity. This increase in rates does not result from Power Authority's rate increase to the Village
PUBLIC SERVICE COMMISSION			
*PSC-09-99-00012-P	..... exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	..... exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	..... exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	..... exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-07-02-00032-P	..... exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	..... exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	..... exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	..... exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer

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

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

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

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

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

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

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

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

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

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

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

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

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

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PUBLIC SERVICE COMMISSION			
*PSC-45-13-00023-P exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC)	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s)
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000	To consider allowing Knolls Water Company to enter into a long-term loan agreement
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality andthe Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance

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

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

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

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

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

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

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

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

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

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

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

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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-18-21-00008-P	..... exempt	RG&E's Economic Development Programs and exemption from funding limits	To consider RG&E to grant up to \$5.25 million in ED funding to Project Block to the benefit of ratepayers
*PSC-19-21-00008-P	..... exempt	Community Choice Aggregation (CCA) and Community Distributed Generation (CDG)	To consider permitting Upstate Power, LLC to serve as a CCA administrator offering an opt-out CDG focused program
*PSC-20-21-00004-P	..... exempt	Regulatory approvals in connection with a 437 MW electric generating facility	To ensure appropriate regulatory review, oversight, and action, consistent with the public interest
*PSC-21-21-00012-P	..... exempt	Petition for the use of gas metering equipment	To ensure that consumer bills are based on accurate measurements of gas usage
*PSC-21-21-00019-P	..... exempt	Utility capital expenditure proposal	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-26-21-00011-P	..... exempt	Notice of intent to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-28-21-00012-P	..... exempt	Transfer of ownership interests in a 55 megawatt natural gas-fired cogeneration facility located in North Tonawanda, NY	To address the proposed transfer and any matters within the public interest
*PSC-28-21-00013-P	..... exempt	Elimination of internal audits of wholesale performance metrics	To consider Verizon New York Inc.'s petition to eliminate requirements for certain internal audits
*PSC-29-21-00009-P	..... exempt	Proposed pilot program to use AMI to disconnect electric service to customers during gas system emergencies	To study the efficacy of using AMI to disconnect electric service during gas system emergencies
*PSC-30-21-00006-P	..... exempt	NYSERDA proposal regarding Clean Energy Standard backstop collection processes	To ensure that NYSERDA has sufficient funds to make timely payments to generators pursuant to the Clean Energy Standard
*PSC-32-21-00002-P	..... exempt	The prohibition on ESCO service to low-income customers	To consider whether Icon Energy, LLC d/b/a Source Power Company should be granted a waiver to serve low-income customers
*PSC-35-21-00009-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators	To provide clarity and uniformity to the provision of gas service to electric generators in New York State
*PSC-36-21-00006-P	..... exempt	The Westchester Power Program	To consider integration of Opt-out Community Distributed Generation into the Westchester Power program
*PSC-37-21-00010-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-38-21-00006-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-38-21-00007-P	..... exempt	Electric metering equipment	To consider use of electric submeter and ensure that consumer bills will be based on accurate measurements of electric usage
*PSC-39-21-00007-P	..... exempt	The proposed alternative method of account identification	To facilitate secure customer data exchanges between the utility or provider and energy service entities
*PSC-46-21-00014-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
*PSC-47-21-00003-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-47-21-00005-P	..... exempt	Utility processes for customers to consent to sharing data with third parties and how consent options will be communicated	To develop standardized consent requirements that will increase customer familiarity with appropriate data sharing and access
*PSC-48-21-00007-P	..... exempt	Verizon's Performance Assurance Plan	To consider whether to retire the Performance Assurance Plan
*PSC-50-21-00006-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00008-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00011-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-50-21-00012-P	..... exempt	Implementation of the Host Community Benefit Program	To consider the proposed administration and implementation related to disbursement of customer bill credits
*PSC-03-22-00004-P	..... exempt	Proposal by electric utilities on a coordinated electric grid planning process	To support distribution and local transmission investments necessary to achieve the the State's clean energy and climate goals
*PSC-05-22-00001-P	..... exempt	Green gas products	To consider an extension of the waiver permitting energy service companies to serve existing customers on green gas products
*PSC-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

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
*PSC-13-22-00009-P	..... exempt	Proposed major rate increase in Con Edison's delivery revenues of approximately \$1.2 billion (or 11.2% in total revenues)	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
*PSC-13-22-00011-P	..... exempt	Positive revenue adjustments associated with emergency response, damage prevention and leak management for 2020	To consider a rehearing petition
*PSC-14-22-00008-P	..... exempt	An opt-out community distributed generation program	To establish the program rules for offering community distributed generation on and opt-out basis in New York State
PSC-18-22-00002-P	..... exempt	NYSEG and RG&E's petition for a waiver of its 2021 customer service quality performance	To determine if NYSEG and RG&E's petition for waiver is in the public interest
PSC-18-22-00007-P	..... exempt	Extension of deadline	Whether it is in the public interest to extend the deadline to allow the developer more time to energize residential units
PSC-19-22-00021-P	..... exempt	Brooklyn Clean Energy Hub and cost recovery	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation
PSC-19-22-00022-P	..... exempt	Modification of Con Edison's electric tariff	To either eliminate or waive a provision of the Standby Service Offset Tariff
PSC-20-22-00009-P	..... exempt	Modify lease of utility property	To determine whether to authorize the extension and amendment of the lease of the Volney-Marcy transmission line
PSC-20-22-00011-P	..... exempt	Establishment of the regulatory regime applicable to a wind electric generating facility	To ensure appropriate regulation of a new electric corporation
PSC-21-22-00005-P	..... exempt	To implement the non-pipe alternative factor to recover the costs of approved alternative infrastructure projects	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences
PSC-21-22-00007-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its LED Lighting product to mass market customers
PSC-21-22-00008-P	..... exempt	Cybersecurity requirements	Modify the framework to ensure the protection of utility systems and customer data from cyber events
PSC-21-22-00011-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process	To consider whether Atlantic Energy, LLC should be permitted to offer its Smart Home Program product to mass market customers
PSC-22-22-00014-P	..... exempt	Amendments to the Standardized Interconnection Requirements	To consider changes to accommodate the interconnection of distributed energy resources by governmental entities
PSC-24-22-00004-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-24-22-00007-P	..... exempt	St. Lawrence Gas' petition for a waiver of its 2021 service quality performance	To determine if St. Lawrence Gas' petition for waiver is in the public interest

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-24-22-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest
PSC-26-22-00008-P	..... exempt	Compensation under the Value of Distributed Energy Resources tariff	To consider compensation mechanisms for legacy baseline hydroelectric and other renewable energy resources
PSC-29-22-00006-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-30-22-00009-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-38-22-00002-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00004-P	..... exempt	Establishment of the regulatory regime applicable to a battery storage project.	To ensure appropriate regulation of an electric corporation.
PSC-38-22-00005-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00006-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00007-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00008-P	..... exempt	Consideration of a Long Island Offshore Wind Export PPTN under the NYISO's planning process.	To determine whether the NYISO should proceed to select a solution to the identified Long Island Offshore Wind Export PPTN.
PSC-38-22-00009-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-38-22-00010-P	..... exempt	Standby Service Rates, Buyback Service Rates, and optional mass market demand rates.	To establish updated Standby Service and Buyback Service Rates, and establish new optional mass market demand rates.
PSC-39-22-00007-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-42-22-00016-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00017-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-42-22-00019-P	..... exempt	Gas system planning.	To consider screening and suitability criteria for non-pipeline alternatives.
PSC-43-22-00006-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-49-22-00017-P	..... exempt	Stock ownership interest and associated financial transactions.	To consider the transfer of controlling interest and associated financial transactions.
PSC-49-22-00019-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-49-22-00021-P	..... exempt	Clean Energy Standard Tier 1 load serving entity obligations.	To transition the Tier 1 load serving entity obligation from a percentage based obligation to a load share obligation approach.
PSC-49-22-00022-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-01-23-00013-P	..... exempt	Distribution-level demand response programs.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-01-23-00014-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by NYSEG.
PSC-01-23-00015-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-01-23-00016-P	..... exempt	Brooklyn Clean Energy Hub alternative and cost recovery.	To meet the Climate Leadership and Community Protection Act's goal of 9,000 megawatts of offshore wind generation.
PSC-01-23-00017-P	..... exempt	Interconnection costs.	To consider a petition requesting relief from interconnection costs assigned by NYSEG.
PSC-01-23-00018-P	..... exempt	Lease of certain real property.	To determine whether to provide written consent for the proposed transfer of certain real property.
PSC-01-23-00019-P	..... exempt	Energy efficiency and building electrification programs.	To identify and implement potential changes to the energy efficiency and building electrification programs .
PSC-02-23-00021-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-02-23-00022-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-02-23-00023-P	..... exempt	Long-term gas system planning.	To consider and review long-term gas system planning.
PSC-02-23-00024-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-02-23-00025-P	..... exempt	Proposed major rate increase in Con Edison's annual revenues by \$137 million.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-02-23-00026-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-03-23-00004-P	..... exempt	Updated recommendations for the solicitation, procurement, and/or installation of qualified energy storage systems.	To encourage energy storage deployment and establish an updated 2030 target and deployment program.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-04-23-00011-P	..... exempt	Proposal by electric utilities for a coordinated grid planning process.	To identify local transmission investments necessary to achieve the the State's clean energy and climate goals.
PSC-04-23-00012-P	..... exempt	Transfer of electric facilities.	To determine whether to authorize the transfer electric facilities and the proper accounting for the transaction.
PSC-04-23-00013-P	..... exempt	Application of the Public Service Law to owners of a proposed project connecting Sunrise Wind Farm to New York's electric grid.	To determine whether to apply a lightened regulatory regime to the owners of the proposed multi-part project.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-05-23-00015-P	..... exempt	Thermal Energy Network Pilot Proposal	To consider authorizing utilities to construct and operate thermal energy network pilot projects.
PSC-05-23-00016-P	..... exempt	The electric utilities' 2023 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2023 Electric Emergency Response Plans.
PSC-06-23-00011-P	..... exempt	Compensation of and incentives for distributed energy resources.	To encourage the development of and ensure just and reasonable rates for distributed energy resources.
PSC-07-23-00004-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-13-23-00019-P	..... exempt	The frequency of incentive payments for the active managed charging program.	To consider adequate incentive frequency.
PSC-13-23-00020-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-13-23-00021-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-13-23-00022-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of an energy storage facility.	Consideration of a lightened regulatory regime for the owner of an approximately 150 MW energy storage facility.
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.
PSC-16-23-00009-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00010-P	..... exempt	Marginal Cost of Service studies.	To identify appropriate inputs and methodologies for preparing Marginal Cost of Service studies.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
PUBLIC SERVICE COMMISSION			
PSC-16-23-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-16-23-00012-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00013-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00014-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00015-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-16-23-00016-P	..... exempt	Intra-corporate merger of FirstEnergy's four distribution operating companies.	To consider whether an intra-corporate merger of FirstEnergy's four distribution companies is in the public interest.
PSC-16-23-00017-P	..... exempt	Electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-17-23-00002-P	..... exempt	Tariff filing.	To consider whether the proposed tariff revisions are in the public interest.
PSC-17-23-00003-P	..... exempt	Issuance of securities and other forms of indebtedness.	To determine if the issuance of funding for capital needs and a surcharge mechanism is in the public interest.
PSC-17-23-00004-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To ensure performance in accordance with applicable telecommunications laws, regulations and standards and the public interest.
PSC-18-23-00001-P	..... exempt	A request for waiver of negative revenue adjustments.	Whether it is in the public interest to waive the negative revenue adjustments for NYSEG and RGE.
PSC-18-23-00002-P	..... exempt	Consideration of the Audit Implementation Plan and audit recommendations.	To ensure that recommendations issued in a management and operations audit are appropriately addresses and implemented.
PSC-18-23-00003-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(2); 86.3(b)(2); and 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting/upgrade.
PSC-18-23-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-23-00005-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-18-23-00006-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-18-23-00007-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.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
STATE, DEPARTMENT OF			
DOS-47-22-00004-P	11/23/23	Creation of a cease and desist zone within Kings County.	To adopt a cease and desist zone for a designated area within Kings County and remove reference to expired zones.
DOS-13-23-00003-P	05/30/24	Uniform Code Variance and Appeals Procedures	To amend the procedures whereby any provision or requirement of the Uniform Code may be varied or modified.
STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY			
SIR-50-22-00003-EP	12/14/23	Aligning the rule of conduct re: carrying firearms and other weapons in public transit with New York Law	Safeguard public safety by amending a rule to comply with NY Law re: the carrying of firearms and weapons in public transit
TAXATION AND FINANCE, DEPARTMENT OF			
*TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-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.
TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF			
TDA-05-23-00017-P	02/01/24	Public Assistance (PA) earned income and work expense disregards and income tests for PA eligibility	To update State regulations pertaining to the above-referenced consistent with Part U of Chapter 56 of the Laws of 2022
THRUWAY AUTHORITY, NEW YORK STATE			
THR-01-23-00001-P	01/04/24	Toll rate adjustments on the New York State Thruway system.	To provide for toll rate adjustments necessary to support the Authority's financial obligations.
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY			
TBA-09-23-00018-P	exempt	A proposal to establish a new crossing charge schedule for use of bridges and tunnels operated by TBTA.	A proposal to fund ongoing operations.
VICTIM SERVICES, OFFICE OF			
OVS-49-22-00003-P	12/07/23	Limits on administrative expenses and executive compensation pursuant to Executive Order (EO) 38.	As EO 38 has been discontinued, the purpose of this rule is to repeal regulations implementing EO 38.
WORKERS' COMPENSATION BOARD			
*WCB-09-22-00002-RP	05/31/23	Intraoperative Neurophysiological Monitoring	To define IOM and clarify that remote IOM is prohibited except in very limited circumstances
WCB-41-22-00002-P	10/12/23	Disability benefits	To update and clarify DB claims process, and conform to statute
WCB-09-23-00019-P	02/29/24	Telehealth	Provides the option for telehealth visits in some circumstances.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
WORKERS' COMPENSATION BOARD			
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 SYSTEM Pilgrim Psychiatric Center West Brentwood, Suffolk County

Sealed bids for Project No. 47244-H, comprising a contract for HVAC Work, Replace HVAC System, Building 26, Pilgrim Psychiatric Center, 998 Crooked Hill Road, West Brentwood (Suffolk County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, May 17, 2023, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$24,000 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 H.

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 500 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 9:30 a.m. on May 4, 2023 at Bldg. 26-Conference Room, Pilgrim Psychiatric Center, 998 Crooked Hill Rd., West Brentwood, New York. 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 Craig Witham (631-603-9216) a minimum of 48 hours in advance of the date to provide the names of those who will attend the pre-bid site visit. Only contractors that schedule a visit at least 48 hours in advance will be allowed to participate in the pre-bid site visit.

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

Article 3 of the Veterans’ Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses (“SDVOBs”). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs’ participation under this contract as follows: 6% for the H trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make “good faith efforts” to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

**REPLACE
ROOF**

Department of Transportation Region 10
Plainview, Nassau County

Sealed bids for Project No. 47348-C, comprising a contract for Construction Work, Replace Roof, Salt Building, DOT Region 10, Nassau County, 340 Sunnyside Boulevard, Plainview (Nassau County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, May 17, 2023 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$23,600 for C).

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

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

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

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

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

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

The substantial completion date for this project is 121 days after the Agreement is approved by the Comptroller.

The only time prospective bidders will be allowed to visit the job site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 5, 2023 at NYSDOT Region 10, 340 Sunnyside Blvd, Plainview, 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 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 3 of the Veterans' Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 3% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

**REPLACE
UPPER STABLE ROOF SURFACES
State Armory
Peekskill, Westchester County**

Sealed bids for Project No. 47350-C, comprising a contract for Construction Work, Replace Upper Stable Roof Surfaces, State Armory, 955 Washington Street, Peekskill (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 Division of Military and Naval Affairs, until 2:00 p.m. on Wednesday, May 17, 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 \$45,800 for C).

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

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

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

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

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

The substantial completion date for this project is 420 days after the Agreement is approved by the Comptroller.

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

site to take field measurements and examine existing conditions of the project area will be at 10:00 a.m. on May 4, 2023 at State Armory, 955 Washington Street, Peekskill, NY 10566. 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) or Daniel.Reich@ogs.ny.gov, 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 3 of the Veterans' Services Law provides for more meaningful participation in public procurement by certified Service-Disabled Veteran-Owned Businesses ("SDVOBs"). Bidders are expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors or suppliers, as protégés, or in other partnering or supporting roles. OGS hereby establishes overall goals for SDVOBs' participation under this contract as follows: 6% for the C trade contractor, based on the current availability of qualified SDVOBs. Trades with 0% goals are encouraged to make "good faith efforts" to promote and assist in the participation of SDVOBs on the Contract for the provision of services and materials.

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

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

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

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

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

By OGS - Design & Construction Group

NOTICE OF AVAILABILITY OF STATE AND FEDERAL FUNDS

Environmental Facilities Corporation
625 Broadway
Albany, NY 12207-2997

MUNICIPALITIES OF NEW YORK STATE

New York State Water Infrastructure Improvement Grants and New York State Intermunicipal Water Infrastructure Grants

The New York State Environmental Facilities Corporation (EFC) is pleased to announce the availability of \$425 million in grants under the New York State Water Infrastructure Improvement (WIIA) and New York State Intermunicipal Water Infrastructure Grant (IMG) Programs. This grant funding is made available, in part, through the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022 (Bond Act).

This funding is for municipalities with infrastructure projects that protect or improve public health and/or water quality. Grant eligible critical water infrastructure projects include those that combat emerging contaminants such as PFOA, PFOS and 1,4 dioxane with system upgrades and innovative pilot technologies, along with those that address combined and/or sanitary sewer overflow impacts from sustained rain events.

New York State Water Infrastructure Improvement Grants

EFC will provide WIIA grants to assist municipalities in funding infrastructure projects for the protection of public health and water quality. WIIA grants will be awarded to water quality infrastructure projects for the construction, replacement, or repair of infrastructure, or for compliance with environmental and public health laws and regulations related to water quality. EFC will evaluate projects based on factors including protection of public health and water quality, median household income, governmental and community support, environmental justice and disadvantaged communities, and the readiness of the project to proceed.

New York State Intermunicipal Water Infrastructure Grants

EFC will provide IMG grants for joint infrastructure projects to be undertaken by two or more cooperating municipalities that consolidate services. IMG funding will be awarded for construction, replacement, or repair of a drinking water or sewage treatment infrastructure that serves multiple municipalities, such as shared water quality infrastructure that protects public health or the environment, or results in compliance with environmental and public health laws and regulations related to water quality.

EFC will evaluate projects based on factors including protection of public health and water quality, governmental and community support, benefits to multiple municipalities, environmental justice and disadvantaged communities, and the readiness of the project to proceed. To be eligible to apply for a grant, cooperating municipalities must have a valid and binding Intermunicipal Agreement related to the funding and/or construction of the project.

Background

On March 15, 2023, EFC published for public comment proposed eligibility guidelines for the WIIA and IMG programs designed to implement the historic \$4.2 billion Bond Act. The draft criteria were based on the eligibility criteria historically used for the existing WIIA and IMG programs. The public comment period closed April 14, 2023, and responses to the comments have been posted on the Bond Act website.

EFC administers the Clean Water State Revolving Fund (CWSRF)

and co-administers the Drinking Water State Revolving Fund (DWSRF) with the NYS Department of Health. The SRF Programs provide subsidized financial assistance to qualified municipalities to undertake eligible water infrastructure projects. Municipalities, however, do not need to obtain financial assistance from the CWSRF or DWSRF program to receive a WIIA grant or IMG grant and do not need to be listed on the CWSRF or DWSRF Intended Use Plan to apply for a WIIA grant or IMG grant.

A WIIA grant or IMG grant is available only to a municipality, which is defined to include a county, city, town, village, district corporation, county or town improvement district, school district, Indian Nation or tribe recognized by the state or the United States with a reservation wholly or partly within the boundaries of New York State, any public benefit corporation or public authority established pursuant to the laws of New York or any agency of the State that is empowered to construct and operate a water quality infrastructure project.

Disadvantaged communities will receive no less than 35 percent of the benefit of this funding.

Application Due Date: Applications must be submitted using the online Application Form located on EFC's website at www.efc.ny.gov/WIIA or www.efc.ny.gov/IMG by 5:00 p.m., Friday, July 28, 2023. Applicants will be required to submit additional documents with the application.

Webinar: EFC will host one or more webinars to present information on the WIIA and IMG programs. The webinar(s) will provide an overview of WIIA and IMG, as well as guidance on how to apply for grant funds. There will also be an opportunity to ask questions. Please check EFC's website at www.efc.ny.gov for webinar dates, times, and registration information.

CONTACTS:

If you have any questions, please email: NYSWaterGrants@efc.ny.gov or contact: Máire Cunningham, Environmental Facilities Corporation, 625 Broadway, Albany, NY 12207-2997, (518) 402-6924

MISCELLANEOUS NOTICES/HEARINGS

Notice of Abandoned Property Received by the State Comptroller

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

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

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

NOTICE OF PUBLIC HEARING

Susquehanna River Basin Commission

SUMMARY: The Susquehanna River Basin Commission is seeking public comment on a new proposed general permit, General Permit GP-02 Groundwater Withdrawals for Emergency Uses or Maintenance (GP-02). The proposed General Permit would approve the withdrawal of groundwater from wells for 1) emergency uses or 2) maintenance activities. The Commission will take oral testimony on the proposed General Permit at its regularly scheduled public hearing on May 4, 2023. The Commission will hold this hearing in person and telephonically. The deadline for the submission of written comments on the General Permit is May 30, 2023.

DATES: The public hearing will convene on May 4, 2023, at 6:30 p.m. The public hearing will end at 9:00 p.m. or at the conclusion of public testimony, whichever is earlier. The deadline for submitting written comments on the General Permit is Tuesday, May 30, 2023.

ADDRESSES: This public hearing will be conducted in person and virtually. You may attend in person at Susquehanna River Basin Commission, 4423 N. Front St., Harrisburg, Pennsylvania, or join by telephone at Toll-Free Number 1-877-304-9269 and then enter the guest passcode 2619070 followed by #.

FOR FURTHER INFORMATION CONTACT: Jason Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423 or joyler@srbc.net.

The proposed General Permit and Fact Sheet are available on the Commission's website at <https://www.srbc.net>.

SUPPLEMENTARY INFORMATION: GP-02 is designed to provide a pathway for projects that require temporary groundwater withdrawals, generally from back-up or reserve wells, to address an emergency or maintenance activity. Under SRBC regulations, these wells are subject to full technical review under 18 CFR Part 806. For drinking water wells, they must also be fully permitted under the Safe Drinking Water laws and regulations of our member jurisdictions.

GP-02 allows for and encourages proactive planning for how a project conducts and maintains operations during emergency or maintenance outages of primary water sources. For public water supply sources specifically, GP-02 would focus the Commission's role with respect to wells needed for emergency or maintenance and activities, in part, by deferring to the member jurisdictions' safe drinking water permits as the primary sources of regulation. The proposed fee for coverage under GP-02 is \$3,000, which includes review of the project's Contingency Plan and project details. This is less costly than the current regulatory review fees faced by these projects when they go through the full docket review process. GP-02 has a proposed term of fifteen (15) years, in keeping with Commission regulations at 18 C.F.R. § 806.31 where projects generally have a term of 15 years.

Opportunity to Appear and Comment:

Interested parties may call into the hearing to offer comments to the Commission on any business listed above required to be the subject of a public hearing. Given the nature of the meeting, the Commission strongly encourages those members of the public wishing to provide oral comments to pre-register with the Commission by e-mailing Jason Oyler at joyler@srbc.net before the hearing date. The presiding officer reserves the right to limit oral statements in the interest of time and to control the course of the hearing otherwise. Access to the hearing via telephone will begin at 6:15 p.m. Guidelines for the public hearing are posted on the Commission's website, www.srbc.net, before the hearing for review. The presiding officer reserves the right to modify or supplement such guidelines at the hearing. Written comments on any business listed above required to be the subject of a public hearing may also be mailed to Mr. Jason Oyler, Secretary to the Commission, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pa. 17110-1788, or submitted electronically through <https://www.srbc.net/regulatory/public-comment/>. Comments on the GP-02 mailed or electronically submitted must be received by the Commission on or before Tuesday, May 30, 2023, to be considered.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq.; 18 CFR § 806.17.

Dated: April 12, 2023.

Jason E. Oyler,

General Counsel and Secretary to the Commission

PUBLIC NOTICE

New York City Deferred Compensation Plan and NYCE IRA

The New York City Deferred Compensation Plan & NYCE IRA (the "Plan") is seeking proposals from qualified vendors to provide Legal Services for the City of New York Deferred Compensation Plan. The Request for Proposals ("RFP") will be available beginning on Thursday, April 13, 2023. Responses are due no later than 4:30 p.m. Eastern Time on Thursday, May 4, 2023. To obtain a copy of the RFP, please visit the Plan's website at www1.nyc.gov/site/olr/about/about-rfp.page and download and review the applicable documents. If you have any questions, please email them to Georgette Gestely, Director, at rfpmail@nyceplans.org

Consistent with the policies expressed by the City, proposals from certified minority-owned and/or women-owned businesses or proposals that include partnering arrangements with certified minority-owned and/or women-owned firms are encouraged. Additionally, proposals from small and New York City-based businesses are also encouraged.

PUBLIC NOTICE

Office of Parks, Recreation and Historic Preservation

Pursuant to section 14.07 of the Parks, Recreation and Historic Preservation Law, the Office of Parks, Recreation and Historic Preservation hereby gives notice of the following:

In accordance with subdivision (c) of section 427.4 of title 9 NYCRR notice is hereby given that the New York State Board for Historic Preservation will be considering nomination proposals for listing of properties in the State and National Register of Historic Places at a meeting to be held on Thursday, June 8, 2023 at Ganondagan State Historic Site, 7000 County Rd 41, Victor, NY 14564

The following properties will be considered:

1. Our Lady of Victory Roman Catholic Church Historic District, Lackawanna, Erie County
2. DL&W Train Shed, Buffalo, Erie County
3. Wood and Brooks Company Factory Complex, Tonawanda, Erie County
4. Lakewood Village Hall, Lakewood, Chautauqua County
5. All Souls' Church Summer Camp Historic District, Parksville, Sullivan County
6. The Alpine, Hunter, Greene County
7. Bates Christian Church, Town of Broome, Schoharie County
8. Camp Veery, Town of Webb, Herkimer County
9. Kessel Park Inn, Chesterfield, Essex County
10. Clark Witbeck Co. Warehouse, Schenectady, Schenectady County
11. Halfway House, Lisbon, St. Lawrence County
12. Webutuck Agricultural Valley Historic District, Amenia, Dutchess County
13. St. James Firehouse, St. James, Suffolk County
14. Hammondsport Historic District, Urbana, Steuben County
15. Fairview Manor, Claverack, Columbia County
16. Papscanee Island Historic District, Castleton-on-Hudson Vicinity, Rensselaer County
17. Puerto Rican Casitas of New York City, New York and Bronx Counties
18. Casita Rincon Criollo, Bronx County

To be considered by the board, comments may be submitted to Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, New York 12188-0189, no later than Wednesday, June 7 or may be submitted in person at the meeting by contacting Daniel Mackay at the same address no later than June 7.

For further information, contact: Daniel Mackay, Deputy Commissioner for Historic Preservation and Deputy State Historic Preservation Officer, Division for Historic Preservation, Peebles Island, P.O. Box 189, Waterford, NY 12188-0189, (518) 268-2171

PUBLIC NOTICE

Department of State
F-2022-0923

Date of Issuance – May 3, 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-2023-0923, Patrick Loftus-Hills and Konnin Tam, is proposing to remove and dispose 260 feet of existing bulkhead. Construct 147 feet of bulkhead, a 10 foot and 33 foot return for a total of 190 feet. New bulkhead will be approximately 9 feet in elevation. Supply and install 4-ton stones along the toe of 147 foot bulkhead and 10 foot

return. Extend the 33 foot bulkhead return with 1 row of 2 ton stone for approximately 11 feet. Construct an 11 foot splash zone landward of the bulkhead using approximately 90 tons of 25-50 pound stone. The landward edge of the splash zone will consist of 1 row measuring 136 feet of 2 ton stones (approximately 75 tons). All stone will be placed on filter fabric. Construct a 68 foot rock revetment with a 68 foot return consisting of 1 row of 4 ton stone approximately 15 feet of revetment must be angled to allow boat trailer access. Construct an 80 foot stone retaining wall consisting of 4-ton, 3-ton, 2-ton, and 1-ton stones reaching an elevation of approximately 11 feet on a 45 degree angle. Construct a 15 foot wide ramped path leading to angled stone on rock revetment constructed with flat stone (approximately 12" x 36" x 36"), marl, stone and clean trucked-in beach compatible sand approved by client. The project is located at 169 Ram Island Drive in the Town of Shelter Island, Suffolk County on Gardiners Bay.

The stated purpose of the proposed action is to allow for the residential waterfront bulkhead to remain functional and safe for the homeowner.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/05/f-2022-0923.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or May 18, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0131

Date of Issuance – May 3, 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-2023-0131, Benjamin Walldroff, is proposing to construct approximately 672-SF of docking on 8" piles, consisting of an 8' by 40' section leading to an 8' by 44' in an L formation. Two boat lifts will be added to the 8' by 44' section. The dock is proposed to connect to the existing wall on-site as shown on the plans. The 8" piles will be driven from a barge, no shoreline disturbance is required at 21045 Glen Alpine.

Town of Alexandria, Jefferson County, St. Lawrence River.

The stated purpose of the proposed action is to: The stated purpose of the proposed action to provide protected docking for two boats.

The applicant's consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/05/f-2023-0131.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their

views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or June 2, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0170

Date of Issuance – May 3, 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-2023-0170, Lincoln Frank, is proposing to construct 90' by 4' wide wood pile and timber pier of which 69 ft is waterward of the apparent MHW, including rails, 7 tie off piles, two ladders and electric and water utilities. Landward decking will be at least 5' above grade at 2736 Crescent Avenue on Fishers Island, in the Town of Southold, Suffolk County and on Fishers Island Sound.

The stated purpose of the proposed action is to “The purpose of this project is to construct a dock for private recreational boating.”

The applicant’s consistency certification and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/05/f-2023-0170.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or June 2, 2023.

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

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

PUBLIC NOTICE

Department of State
F-2023-0239 (DA)

Date of Issuance – May 3, 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.

National railroad Passenger Corporation (Amtrak) 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, in Albany, New York.

In F-2023-0239, Amtrak proposes to install new fencing and access

gates on property owned and/or maintained by Amtrak near 72nd Street and 79th Street in Manhattan. Amtrak proposes to install approximately 82 linear feet of standard 8’-tall Impasse fence and a 19’-wide swing gate in the vicinity of 72nd Street and approximately 17 linear feet of Impasse fence and 12’-wide swing gate in the vicinity of 79th Street along Amtrak Empire Line Right-of-Way in Manhattan. The new fencing and gates would be constructed of steel, painted black, and feature a curved, gauntlet-style top to discourage scaling and unauthorized access. The new fencing and gates would replace existing barbed wire-topped chain-link fencing and gates that no longer meet Amtrak security and safety requirements. The new fencing would be installed in urbanized, previously disturbed areas on property that is owned and/or maintained by Amtrak. The project is located near the 72nd Street and 79th Street Amtrak access points in Manhattan in New York County.

The stated purpose of the project is to improve safety and prevent unauthorized access to Amtrak property.

The agency’s consistency determination and supporting information are available for review at: <https://dos.ny.gov/system/files/documents/2023/05/f-2023-0239.pdf> or at <https://dos.ny.gov/public-notices>

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15-days from the date of publication of this notice, or, May 18, 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
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.

2023-0044 Matter of Urbahn Architects, 306 West 37th Street, New York, NY, 10018, for a variance concerning safety requirements, including, but not limited to; fire separation, exit access travel distance and mechanical exhaust systems. Involved is an existing transit station, known as the 14th Street Station Complex, located in the City of New York, Borough of Manhattan, County of New York, State of New York.

2023-0074 Matter of CSA Group NY Architects and Engineers, PC, 55 Broadway - FL 14, New York, NY 10006, for a variance concerning safety requirements, including sprinkler systems. Involved is an existing transit station, known as the DeKalb Avenue Station, located in the City of New York, Borough of Brooklyn, County of Kings, State of New York.

2023-0172 Matter of the Metropolitan Transportation Authority, 525 N. Broadway, White Plains, NY, 10603, for a variance concerning safety requirements, including Wide Aisle Gates. Involved is an existing transit station, known as the Atlantic Ave. - Barclays Centers, located in the City of New York, Borough of Brooklyn, County of Kings, State of New York.

2023-0173 Matter of the Metropolitan Transportation Authority,

525 N. Broadway, White Plains, NY, 10603, for a variance concerning safety requirements, including Wide Aisle Gates. Involved is an existing transit station, known as the Sutphin Blvd. - JFK Airport, located in the City of New York, Borough of Queens, County of Queens, State of New York.

2023-0192 Matter of Charles Fetter, 2478 Galway Road, Galway, NY, 12074, for a variance concerning safety requirements, including sprinkler systems. Involved is a proposed building, located at 2478 Galway Road, Town of Galway, County of Saratoga, 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.

2023-0181 in the Matter of David Clemenzi of Page Southerland Page Architects P.C., 201 Fuller Road, ZEN 5th Floor, Albany, NY 12211, for a variance concerning ceiling height requirements at bathrooms at Smith Hall SUNY Cortland. Involved is a student dormitory known as Smith Hall located on the Campus of the New York State University College At Cortland Campus, the Building is 10 stories in height located at 23 Water Street, City of Cortland, County of Cortland, 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.

2023-0182 in the Matter of David Clemenzi of Page Southerland Page Architects P.C., 201 Fuller Road, ZEN 5th Floor, Albany, NY 12211, for a variance concerning ceiling height requirements at bathrooms at Casey Hall SUNY Cortland. Involved is a student dormitory known as Casey Hall located on the Campus of the New York State University College At Cortland Campus, the Building is 10 stories in height located at 23 Water Street, City of Cortland, County of Cortland, 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.

2023-0189 in the Matter of Derek Miller of DCG Development Company, 800 Route 146, suite 240, Clifton Park, NY 12065, for a

variance concerning safety requirements, including emergency responder communication reception. Involved is a one-story warehouse approximately 7,300 square feet located at 24 Wood Road, Town of Clifton Park, County of Saratoga, State of New York.

2023-0190 in the Matter of Derek Miller of DCG Development Company, 800 Route 146, suite 240, Clifton Park, NY 12065, for a variance concerning safety requirements, including emergency responder communication reception. Involved is a one-story warehouse approximately 23,760 square feet located at 30 Wood Road, Town of Clifton Park, County of Saratoga, State of New York.

2023-0191 in the Matter of Derek Miller of DCG Development Company, 800 Route 146, suite 240, Clifton Park, NY 12065, for a variance concerning safety requirements, including emergency responder communication reception. Involved is a one-story warehouse approximately 26,400 square feet located at 32 Wood Road, Town of Clifton Park, County of Saratoga, 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.

2023-0197 in the Matter of Demasi Architects PC, Luigi Demasi, 105 Smith Avenue, Mount Kisco, NY 10549, for a variance concerning safety requirements, including stair landings. Involved is a one family dwelling located at Three Quaker Hill Court East, Town of Cortlandt, NY 10520, County of Westchester, State of New York.

2023-0198 in the Matter of Donato Gemmati, 11 Birch Hill Drive, Poughkeepsie, NY 12603, for a variance concerning safety requirements, including ceiling height. County of Dutchess, State of New York.

2023-0199 in the Matter of William Simeoforides Architect, William Simeoforides, Two Somerstown Road, Ossining, NY 10562, for a variance concerning safety requirements, including ceiling height. Involved is a one family dwelling located at 23 Broad Street, Village of Ossining, NY 10562, County of Westchester, State of New York.

2023-0200 in the Matter of Avon Gardens LLC, Joseph Gross, 1245 42nd Street, Brooklyn, NY 11219, for a variance concerning safety requirements, including fire apparatus road. Involved is a multiple resident building located at One Van Ness Road, Town of Ramapo, NY 10952, County of Rockland, State of New York.

2023-0201 in the Matter of John J. Annunziata PE, PC, John J. Annunziata, 24 Chesley Road, White Plains, NY 10605, for a variance concerning safety requirements, including emergency escape opening. Involved is a one family dwelling located at Four Boulder Road, City of Rye, NY 10580, County of Westchester, State of New York.

2023-0202 in the Matter of David A. Tetro Architect PC, David A. Tetro, 302 Lewis Avenue, Yorktown Heights, NY 10598, for a variance concerning safety requirements, including headroom. Involved is a one family dwelling located at 469 York Hill Road, Town of Yorktown, NY 10598, County of Westchester, State of New York.